

# **EXHIBIT 2**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

IN RE ZOOM VIDEO COMMUNICATIONS,  
INC. PRIVACY LITIGATION

CASE NO. 3:20-cv-02155-LB

This Document Relates To:

ALL ACTIONS

**DECLARATION OF MARK C.  
MOLUMPY IN SUPPORT OF  
PLAINTIFFS' MOTION FOR (1) FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT; AND (2) ATTORNEYS'  
FEES, EXPENSES, AND SERVICE  
PAYMENTS**

Judge: Hon. Laurel Beeler  
Courtroom: B-15th Floor  
Date: April 7, 2022  
Time: 9:30 a.m.

1 I, Mark C. Molumphy, declare as follows:

2 1. I am a partner at the law firm of Cotchett, Pitre & McCarthy, LLP.

3 2. Pursuant to the Court's Order Appointing Interim Co-Lead Class Counsel and  
4 Plaintiffs' Steering Committee, I was appointed by the Court to serve as Interim Co-Lead Class  
5 Counsel in this action. Dkt. 92. Along with my other Class Counsel, Tina Wolfson, I determined  
6 the litigation strategy on behalf of all plaintiffs and supervised the work performed during all  
7 phases of the litigation on behalf of the proposed class. I, and others at my firm, performed many  
8 duties in this litigation, including researching and preparing pleadings; researching and arguing  
9 pleading motions, including multiple rounds of motions to dismiss; overseeing all aspects of  
10 discovery of both parties and third parties; attending discovery conferences and researching and  
11 arguing discovery motions presented to the Court; attending status conferences with the Court and  
12 presenting Plaintiffs' positions; coordinating the retention of technical and damages expert  
13 consultants, and utilizing their opinions in discovery, pleadings and settlement negotiations;  
14 preparing mediation briefs and participating in settlement negotiations; preparing the settlement  
15 agreement; preparing preliminary and final approval papers, including proposed class notices and  
16 claims forms; retaining and coordinating the work of the claims administrator, including  
17 dissemination of notice to over 150 million class members and establishing a comprehensive  
18 settlement website; responding to class inquiries about the settlement and assisting with  
19 submission of settlement claims. I also supervised the delegation and oversight of work assigned  
20 to the Plaintiffs' Steering Committee ("PSC"), including interviewing and vetting clients for  
21 inclusion on the consolidated complaints; confirming factual allegations to assist in drafting and  
22 finalizing consolidated complaints; research and preparing legal briefs and presenting oral  
23 argument in support of and opposition to pleading and discovery motions; ensuring preservation  
24 of evidence and related documents of the consolidated plaintiffs; coordinating with plaintiffs to  
25 assist in drafting initial plaintiffs' initial disclosures; coordinating with plaintiffs to draft, verify,  
26 and serve plaintiffs' responses to interrogatories and requests for production; collecting, analyzing,  
27 and compiling responsive documents for plaintiff document productions; assisting plaintiffs with  
28

1 review, approval, and execution of the settlement agreement; and assisting plaintiffs and class  
2 members with the claims process and submission of settlement claims.

3 3. A list of the individuals at my firm who worked on this matter, along with their  
4 years in practice, most recent hourly rates, hours spent, and total lodestar, is attached hereto as  
5 **Exhibit A**. I hereby attest that the billing rates conform to the professional rates set at my firm,  
6 and are the same rates charged to clients who pay on an hourly basis.

7 4. A chart of my firm's lodestar, broken down by categories of work performed, is  
8 attached hereto as **Exhibit B**. The time spent and categories of work by the attorneys and other  
9 professionals at my firm in this litigation are based on daily time records contemporaneously  
10 prepared by the individual professionals, maintained by my firm, and submitted, vetted and  
11 approved by both Class Counsel on a monthly basis pursuant to the Plaintiffs' Time and Expense  
12 Reporting Protocol.

13 5. As reflected in Exhibits A and B, the total number of hours expended by my firm,  
14 as approved by Class Counsel, from inception through December 31, 2021, is 4579.60 hours. The  
15 total lodestar for my firm is \$ 2,935,100.

16 6. My firm also incurred \$ 52,246.46 in expenses on behalf of the Class, which are  
17 itemized in the chart attached hereto as **Exhibit C**. These expenses were necessary to the  
18 prosecution of this litigation and submitted, vetted and approved by both Class Counsel. The  
19 expenses are also reflected in the books and records of my firm, including expense vouchers,  
20 receipts, check records, and other documents, and are an accurate record of the expenses.

21 7. My firm also established and oversaw a Litigation Fund to finance the joint  
22 prosecution of this litigation, funded by contributions by Class Counsel and all three member firms  
23 of the PSC. Attached hereto as **Exhibit D** is an accounting of the Litigation Fund, including the  
24 amounts contributed by Class Counsel and the members of Plaintiffs' Steering Committee, as well  
25 as expenses incurred and paid for by the Litigation Fund for the benefit of the Class. The Litigation  
26 Fund reasonably and necessarily incurred \$100,844.88 in expenses.

8. Further detail regarding my firm, and the background and experience of professionals who worked on this case, to the extent available, is provided in my firm's resume, attached hereto as **Exhibit E**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28<sup>th</sup> day of January 2022, at Burlingame, California.

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Mark C. Molumphy

# **EXHIBIT A**

**In Re: Zoom Video Communications, Inc. Privacy Litigation**

Firm Name Cotchett, Pitre &amp; McCarthy LLP

Reporting Period Inception through 12/31/2021

NAME	POSITION	TOTAL HOURS	CURRENT RATE	LODESTAR
Adam J. Stephens	Law Clerk	5.50	\$ 175.00	\$ 962.50
Andrew Britton	Law Clerk	31.60	\$ 175.00	\$ 5,530.00
Andrew Kirtley	Sr. Associate	0.50	\$ 600.00	\$ 300.00
Anya Thepot	Associate (4)	5.60	\$ 425.00	\$ 2,380.00
Brooke Norton	Paralegal	338.50	\$ 275.00	\$ 93,087.50
Cassidy Shapiro	Paralegal	58.30	\$ 275.00	\$ 16,032.50
Chloe Lau	Paralegal	13.20	\$ 275.00	\$ 3,630.00
Elle D. Lewis	Associate (16)	109.80	\$ 425.00	\$ 46,665.00
Joseph W. Cotchett	Partner (56)	26.10	\$ 950.00	\$ 24,795.00
Julia Q. Peng	Sr. Associate (4)	766.90	\$ 600.00	\$ 460,140.00
Karin B. Swope	Partner (22)	130.50	\$ 750.00	\$ 97,875.00
Kevin Boutin	Law Clerk	6.50	\$ 175.00	\$ 1,137.50
Latoya Concepcion	Sr. Paralegal	9.50	\$ 325.00	\$ 3,087.50
Mark C. Molumphy	Partner (28)	1344.90	\$ 850.00	\$ 1,143,165.00
Nirav Engineer	Sr. Paralegal/Investigator	4.00	\$ 325.00	\$ 1,300.00
Noorjahan Rahman	Sr. Associate (5)	831.30	\$ 600.00	\$ 498,780.00
Samuel Gutin	Associate (3)	6.60	\$ 425.00	\$ 2,805.00
Tyson C. Redenbarger	Partner (8)	702.70	\$ 675.00	\$ 474,322.50
William Costelli	Paralegal	4.00	\$ 275.00	\$ 1,100.00
Zachary J. Watson	Law Clerk	11.10	\$ 175.00	\$ 1,942.50
Zyres Agudelo	Sr. Paralegal	172.50	\$ 325.00	\$ 56,062.50
	<b>TOTAL</b>	<b>4579.60</b>		<b>\$ 2,935,100.00</b>

# **EXHIBIT B**

***In Re: Zoom Video Communications, Inc. Privacy Litigation***

<b>Firm Name</b>	Cotchett, Pitre & McCarthy LLP
<b>Reporting Period</b>	Inception through 12/31/21

### CATEGORY CODES

Z100 Case Administration	Z150 Experts/Consultants	Z240 Pre-Trial Motions and Submissions	Z330 Depositions	Z600 Settlement/Non-binding ADR
Z110 Client/Class Member Communications	Z200 Pleadings and Related Motions	Z250 Other Written Motions	Z400 Trial Preparation	Z610 Court Mandated Conferences
Z120 Strategy / Analysis	Z210 Discovery Motions	Z300 Written Discovery	Z410 Trial Attendance	
Z130 Adverse Party Communications	Z220 Class Certification	Z310 Document Production (to Other Parties)	Z420 Post-Trial Motions and Submissions	
Z140 Fact Investigation	Z230 Dispositive Motions	Z320 Document Review (from Other Parties)	Z500 Appeal	

	NAME	Title (Years)	Z100	Z110	Z120	Z130	Z140	Z150	Z200	Z210	Z220	Z230	Z240	Z250	Z300	Z310	Z320	Z330	Z400	Z410	Z420	Z500	Z600	Z610	TOTAL HOURS	CURRENT RATE	LODESTAR			
	Adam J. Stephens	Law Clerk	0.00	0.00	5.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.50	\$	175.00	\$	962.50	
	Andrew Britton	Law Clerk	0.00	0.00	1.80	0.00	0.00	0.00	0.00	21.70	8.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31.60	\$	175.00	\$	5,530.00	
	Andrew Kirtley	Sr. Associate	0.00	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.50	\$	600.00	\$	300.00	
	Anya Thepot	Associate (4)	0.10	1.00	2.00	0.00	0.00	0.00	1.70	0.00	0.00	0.00	0.00	0.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5.60	\$	425.00	\$	2,380.00	
	Brooke Norton	Paralegal	53.90	16.20	17.60	6.10	15.40	0.00	30.00	12.10	0.00	15.50	0.00	14.30	44.50	32.00	32.10	0.60	0.00	0.00	0.00	0.00	48.20	0.00	338.50	\$	275.00	\$	93,087.50	
	Cassidy Shapiro	Paralegal	47.00	0.00	0.00	0.00	1.90	0.00	2.10	0.00	0.00	0.00	0.00	7.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	58.30	\$	275.00	\$	16,032.50	
	Chloe Lau	Paralegal	1.10	0.00	0.50	0.00	2.30	0.50	0.00	0.00	0.00	0.00	0.00	0.00	8.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13.20	\$	275.00	\$	3,630.00	
	Elle D. Lewis	Associate (16)	0.30	0.00	6.40	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	101.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.80	\$	425.00	\$	46,665.00	
	Joseph W. Colthcett	Partner (56)	1.60	0.00	9.70	0.00	0.00	0.00	14.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	26.10	\$	950.00	\$	24,795.00	
	Julia Q. Peng	Sr. Associate (4)	7.60	23.30	232.30	48.90	34.10	2.70	53.20	7.70	0.00	38.50	0.00	0.00	105.90	61.20	4.30	0.00	0.00	0.00	0.00	0.00	145.00	2.20	766.90	\$	600.00	\$	460,140.00	
	Karin B. Swope	Partner (22)	1.00	0.00	8.20	0.00	0.00	1.10	8.10	51.00	0.00	0.00	0.00	0.00	17.80	13.60	0.00	0.00	0.00	0.00	0.00	28.70	1.00	130.50	\$	750.00	\$	97,875.00		
	Kevin Boutin	Law Clerk	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.50	\$	175.00	\$	1,137.50	
	Latoya Concepcion	Sr. Paralegal	0.00	0.00	0.00	0.00	0.00	0.00	9.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.50	\$	325.00	\$	3,087.50	
	Mark C. Molumphy	Partner (28)	28.10	19.40	131.70	35.90	170.00	21.90	158.70	3.80	0.00	25.90	0.00	26.80	159.40	15.10	18.10	32.20	0.00	0.00	14.90	0.00	477.90	5.10	1344.90	\$	850.00	\$	1,143,165.00	
	Nirav Engineer	Sr. Paralegal/Investigator	0.50	0.00	0.00	0.00	2.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	\$	325.00	\$	1,300.00	
	Noorjahan Rahman	Sr.Associate (5)	15.20	0.00	604.80	2.90	0.30	16.40	7.40	5.60	0.00	59.90	0.00	61.80	4.60	0.00	0.00	0.00	0.00	0.00	0.00	52.40	0.00	0.00	831.30	\$	600.00	\$	498,780.00	
	Samuel Gutin	Associate (3)	0.00	0.00	6.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	6.60	\$	425.00	\$	2,805.00	
	Tyson C. Redenbarger	Partner (8)	23.80	6.70	118.10	35.10	23.30	1.00	28.60	20.30	0.00	79.30	0.00	43.30	184.20	0.00	15.20	11.30	0.00	0.00	0.00	112.20	0.30	702.70	\$	675.00	\$	474,322.50		
	William Costelli	Paralegal	0.00	0.00	0.00	0.00	0.30	0.00	0.00	3.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	4.00	\$	275.00	\$	1,100.00	
	Zachary J. Watson	Law Clerk	0.00	0.00	10.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.00	0.00	11.10	\$	175.00	\$	1,942.50		
	Zyres Agudelo	Sr. Paralegal	12.50	0.00	7.60	0.00	8.50	0.00	18.40	0.00	0.00	0.00	0.00	32.80	68.90	9.30	2.50	0.00	0.00	0.00	0.00	0.00	12.00	0.00	172.50	\$	325.00	\$	56,062.50	
		TOTAL	192.70	67.10	1162.90	130.90	258.60	43.60	332.50	125.90	8.10	219.10	0.00	193.60	594.10	132.20	173.30	44.10	0.00	0.00	14.90	0.00	877.40	8.60	4579.60				\$	2,935,100.00

# **EXHIBIT C**

***In Re: Zoom Video Communications, Inc. Privacy Litigation - Summary by Expenses***

**Firm Name** Cotchett, Pitre & McCarthy, LLP  
**Reporting Period** Inception through 12/31/2021

<b>Category</b>	<b>Amount</b>
01. Outside Printing	
02. Photocopies	\$2,413.00
03. Outside Fax Charges	
04. Delivery Services/Messengers	\$36.71
05. Postage	\$7.71
06. Court Fees	\$208.00
07. Subpoena Fees	\$1,107.00
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	\$589.14
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$2,539.52
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$345.38
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	\$45,000.00
<b>TOTAL</b>	<b>\$52,246.46</b>

# **EXHIBIT D**

**In re: Zoom Video Communications, Inc. Privacy Litigation**

As of December 31, 2021

Assessments Paid			\$110,000.00
<b>VENDOR/DESCRIPTION</b>	<b>AMOUNT</b>		
Bank Service Charge (Administration)	\$76.47		
Superior Press (Administration)	\$118.78		
JND eDiscovery LLC (Document Production)	\$7,493.75		
Berkeley Research Group, LLC (Expert)	\$10,000.00		
Inventus, LLC (Document Depository)	\$3,536.68		
Joel Reardon (Expert)	\$4,587.50		
Matthew Allen Bishop (Expert)	\$1,750.00		
A&A Legal Service, Inc. (Service of Process)	\$639.70		
JAMS, Inc. (Special Master Arbitration)	\$72,642.00		
<b>TOTAL</b>	<b>\$100,844.88</b>		
<b>Balance in Fund</b>	<b>\$9,155.12</b>		

# **EXHIBIT E**

# **COTCHETT, PITRE & McCARTHY, LLP**

## **ATTORNEYS AT LAW**

BURLINGAME | LOS ANGELES | NEW YORK  
WWW.CPMLEGAL.COM

## **FIRM RESUME**

### **WHO WE ARE**

Cotchett, Pitre & McCarthy, LLP, based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation and trials. The firm's dedication to prosecuting or defending socially just actions has earned it a national reputation. With offices in Burlingame, Los Angeles and New York, the core of the firm is its people and their dedication to principles of law, work ethic and commitment to justice.

Most clients are referred by other lawyers who know of the firm's abilities and reputation in the legal community. We are trial lawyers dedicated to achieving justice.

## WHAT WE DO

### CONSUMER CASES

#### *In re Apple Inc. Device Performance Litigation*

##### **United States District Court, Northern District of California**

CPM is Co-Lead Counsel representing a nationwide class of Apple customers who allege that Apple issued software updates that slowed down the performance of certain iPhones. On March 17, 2021, the Northern District of California granted final approval of the class settlement of \$310 million to \$500 million. The district court entered Judgment on March 23, 2021.

#### *In re TikTok Inc., Consumer Privacy Litigation*

##### **United States District Court, Northern District of Illinois**

CPM represents an individual in a multidistrict litigation transferred from Northern District of California to the MDL to Northern District of Illinois for violations of the Illinois Biometric Information Privacy Act (“BIPA”). This action is currently pending.

#### *In re Robinhood Outage Litigation*

##### **United States District Court, Northern District of California**

CPM represents a putative class of consumers who were impacted by major outages of Robinhood’s stock trading platform during key fluctuations in the stock market. The plaintiffs allege that Robinhood was negligent in the development and maintenance of the Robinhood application, and that the company failed to implement an adequate business continuity plan as required by financial regulators.

#### *Yick v. Bank of America,*

##### **USDC, Northern District of California**

CPM is interim co-lead counsel in this consumer class action related to Bank of America’s failure to protect the personal information of EDD cardholders and improper freezing of cardholder accounts, thereby denying class members access to their unemployment benefits. In June 2021, the district court granted plaintiffs’ motion for preliminary injunction and provisional class certification.

#### *In re: Lenovo Adware Litigation*

##### **USDC, Northern District of California**

CPM is Co-Lead Counsel in the Lenovo Adware Litigation related to surreptitiously installed malware on Lenovo computers. The complaint alleges that the adware violates privacy laws by intercepting users’ behavioral data, including browsing history and electronic communications.

***In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation***

**USDC, Eastern District of Virginia**

CPM is Co-Lead Counsel in the Lumber Liquidators case filed in the Eastern District of Virginia. The class action was filed against Lumber Liquidators alleging that their Chinese-manufactured laminate wood flooring products emit unsafe and dangerous levels of formaldehyde.

***Credit Counseling Industry Suit names Chase, Money Management International and Others***  
**USDC, Central District of California**

CPM filed a consumer fraud case against JP Morgan Chase & Co., Chase Manhattan Bank USA, Money Management International (also known as Consumer Credit Counseling Service) and Money Management By Mail, Inc. for fraudulent “debt counseling” and debt collections in the subprime credit industry.

***Anastasiya Komarova v. MBNA America Bank, N.A.; National Credit Acceptance, Inc.***

**San Francisco Superior Court**

In a rare jury trial against a credit card collection agency, a San Francisco jury ruled in favor of a young woman who was the victim of an abusive campaign to force her to repay a debt she never incurred. Anne Marie Murphy and Justin T. Berger, two Associates at CPM represented Anastasiya Komarova, who was awarded \$600,000 from National Credit Acceptance, Inc. in 2008. Komarova had been subjected to nearly a year of hostile telephone calls to her work place and a spurious arbitration proceeding, all over a bogus credit card debt and despite the fact that she repeatedly told the agency she never had an account with the credit card company in question. In issuing its verdict, the San Francisco Superior Court jury described National Credit Acceptance’s conduct as “outrageous.” The verdict is believed to be one of the largest verdicts in the country by a sole plaintiff alleging credit abuse.

***Hidden Wireless Telephone Fees***

**San Mateo County Superior Court**

CPM filed a class action lawsuit against AT&T Wireless, Sprint and Cingular Wireless for illegally charging subscribers for services, including “local number portability” fees, even though the services are not available. The case went to the Court of Appeal and is now back in the Superior Court.

***In re: Hewlett-Packard Inkjet Printer Litigation***

**USDC, Northern District of California**

CPM represented consumers who have been deceived by inaccurate low-on-ink warnings on Hewlett-Packard Inkjet Printers. The low-on-ink warnings appear even when there is a substantial amount of ink remaining in the ink cartridges, thereby misleading consumers into unnecessarily buying expensive ink cartridges.

***Rich v. Hewlett-Packard***

**USDC, Northern District of California**

CPM represented consumers in a class action lawsuit against Hewlett-Packard, which has designed its printers to use color ink even when printing in black and white. Hewlett-Packard does not

disclose this design to consumers, who are forced to buy expensive color ink cartridges even when they only print simple black and white documents.

***Citigroup***

**San Francisco County Superior Court**

CPM filed a consolidated class action on behalf of mortgage “packing” and “flipping” victims. Nationwide class certification for settlement purposes, and final approval of settlement, 2003.

***Ameritrust***

**San Mateo County Superior Court**

CPM filed a “Bait and Switch” class action on behalf of mortgage borrowers. Class certified for all purpose in 2003. Settlement finally approved in 2005.

***Northern Trust Bank of California***

**Los Angeles County Superior Court**

CPM filed a class action on behalf of beneficiaries of fixed-fee trusts charged excess trustee fees over a 21-year period. Class certification for settlement purposes and final approval of settlement, 2005.

***Old Republic***

***Wisper v. Old Republic Title Co.***

***Verges v. Old Republic Title Co.***

**San Francisco County Superior Court**

CPM was Lead and liaison counsel in consolidated consumer class action against title company for unfair business practices regarding fee overcharges and “cost avoidance” relationships with banks. Class certified for all purposes. Verdict of \$14 million in 2001.

***Household Lending***

**USDC, Northern District of California**

CPM filed a nationwide class action on behalf of predatory lending victims. Class certification for all purposes, 2003. Final approval of settlement, 2004.

***Fairbanks Capital Corp.***

**USDC, District of Massachusetts**

CPM filed a nationwide class action against mortgage loan servicing company for charging various improper fees, costs and charges. Class certification for settlement purposes and final approval of settlement, 2004.

***Massachusetts General Life Ins. Co.***

**Santa Clara County Superior Court**

CPM filed a “vanishing premium” class action on behalf of life insurance policyholders. Class certified for all purposes, 1999.

***Commonwealth Life Ins. Co.***

**Alameda County Superior Court**

CPM filed a consumer fraud class action against provider of reverse mortgages to elderly consumers. Class certified on Business and Professional Code Violation for all purposes.

***Transamerica HomeFirst, Inc.***

**San Mateo County Superior Court**

**69 Cal. App. 4th 577 (1999)**

CPM filed a consumer fraud class action against provider of reverse mortgages to elderly consumers. Class certified on Business and Professional Code Violations for all purposes.

***Stewart Title Co. of California***

**San Mateo County Superior Court**

CPM represented 115 individual plaintiffs in 81 consolidated cases arising from pyramid scheme fraud relating to fractionalized deeds of trust.

***In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices***

***Agius v. Louisiana-Pacific Corp.***

**USDC, Northern District of California**

CPM filed a nationwide product defect/Lanham Act class action on behalf of owners and operators of building and homes with defective and improperly certified oriented strand board wood sheathing. (Class certified and settlement finally approved, 1998).

***Executive Life***

**Los Angeles County Superior Court**

CPM filed an action by Insurance Commissioner on behalf of failed insurance company (Filed April 1991); also filed as a class action. (Settled, 1994/95).

***Goodyear Tire & Rubber Co.***

**USDC Southern District of California**

CPM filed a class action on behalf of franchisees for unfair business practices. (Settled, 1996).

***First Capital Holdings***

**San Diego County Superior Court**

CPM filed a class action on behalf of policy holders of failed insurance company. (Settled, 1992/93).

***Fidelity Federal Bank***

**USDC, Central District of California (1993)**

**824 F. Supp. 909**

**9<sup>th</sup> Circuit Court of Appeals (1996)**

**91 F. 3d 75**

CPM filed a class action on behalf of adjustable rate mortgage borrowers.

***In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability***  
**Angeles County Superior Court**  
**USDC, Eastern District of Pennsylvania**

CPM filed a consumer fraud and product liability individual actions on behalf of approximately 100 individuals.

***Prop. 103***

***Calfarm Ins. Co. v. Deukmejian***  
**48 Cal. 3d 805 (1989)**

CPM filed a lawsuit on behalf of Ralph Nader and his organization regarding Proposition 103 (rate controls on insurance carriers).

**SECURITIES AND DERIVATIVE CASES**

***In re Wells Fargo & Company Derivative Litigation***

**San Francisco Superior Court**

CPM is Lead Counsel for the Derivative Plaintiffs in the California State action against Wells Fargo's current and former officers and directors based the rampant illegal sales practices revealed in late 2016. (Settled, 2019).

***Franchi v. Pera (Ubiquiti)***

**San Mateo Superior Court**

CPM is Lead Counsel for the Derivative Plaintiffs in this action against Ubiquiti's current and former officers and directors based on Ubiquiti's Board deceit, fraud and insider selling. (Settled 2019).

***In re Eventbrite, Inc. Securities Litigation***

**San Mateo County Superior Court**

CPM represents shareholders of Eventbrite, Inc. who invested in Eventbrite's September 2018 initial public offering. Eventbrite operates an event ticketing platform and manages certain events. The complaint alleges that Eventbrite misrepresented or failed to disclose information relating to the integration of an acquired company in the IPO documents sent to investors. The action is currently pending.

***Won et al. v. Neumann et al***

**San Francisco County Superior Court**

CPM represents The We Company derivatively, and a putative class of investors who allege that directors of the company, including former CEO Adam Neumann mismanaged the company such that its valuation was reduced by over 80% percent. The plaintiffs allege that directors permitted Neuman to engage in egregious self-dealing and this conduct, among others, led to cancellation of the company's anticipated public offering.

***Wong, et al. v. Restoration Robotics, et al.***

**San Mateo County Superior Court**

CPM represents investors who purchased Restoration Robotics stock in its October 2017 initial public offering. Restoration Robotics is a medical technology company that developed technology to assist doctors with follicular unit extraction surgery, a type of hair restoration procedure. The action alleges the company failed to disclose issues with the commercial viability of the technology that, once disclosed, resulted in a drop in the share value. The action is currently pending.

***In re Uber Technologies, Inc. Securities Litigation***

**San Francisco County Superior Court**

CPM represents investors in a proposed class action against Uber Technologies, Inc., Uber officers and directors, and the investment banking firms that acted as underwriters for Uber's initial public offering in May 2019, alleging that Uber's registration statement and prospectus contained misleading information about Uber's condition. The action is pending in San Francisco Superior Court, where Uber's headquarters is located.

***In re Wells Fargo & Company Auto Insurance Derivative Litigation***

**San Francisco Superior Court**

CPM is Lead Counsel for the Derivative Plaintiffs in the California State action against Wells Fargo's current and former officers and directors based the rampant illegal sales practices related to automobile and home loans revealed in 2017. (Settled, 2019).

***In re LendingClub Securities Litigation***

**San Mateo Superior Court/USDC, Northern District of California**

CPM is Co-Lead Counsel for a certified class of shareholders alleging that LendingClub and certain officers failed to disclose material information at the time of its initial public offering. The California state court action and the related federal court action settled for \$125 million. (Settled, 2018).

***Chicago Laborers Pension Fund, et al. v. Alibaba Group Holding Limited, et al.***

**San Mateo County Superior Court**

CPM served as Co-Lead counsel in the Alibaba securities litigation before the Honorable Richard H. DuBois. The securities class action was brought against Alibaba for alleged violations of §§11, 12(a)(2) and 15 of the Securities Act of 1933 by reason of material misrepresentations and omissions in the Registration Statement and Prospectus for Alibaba's September 2014 initial public offering. The \$75 million settlement was approved by Judge DuBois on May 17, 2019.

***In re ProNAi Therapeutics, Inc. Securities Litigation***

**San Mateo Superior Court**

CPM is Lead Counsel seeking to represent a class of shareholders alleging that ProNAi failed to disclose material information at the time of its initial public offering relating to its developmental drug. (Settled, 2019)

***In re Oportun Securities Litigation***

**San Mateo Superior Court**

CPM is Lead Counsel for a certified class of Oportun's common shareholders alleging that their ownership interests were unfairly diluted by a series of insider financing rounds led by Oportun's largest preferred shareholders, including venture capital funds that had representatives on Oportun's Board of Directors. (Settled, 2018).

***In re Medical Capital Securities Litigation***

**USDC, Central District of California**

CPM was Co-Lead Counsel for noteholders who invested in Medical Capital, a receivable company that turned out to be a Ponzi scheme. After Plaintiffs prevailed on several motions to dismiss, Bank of New York Mellon agreed to pay \$114 million to resolve the actions. Shortly thereafter, and on the eve of trial, Wells Fargo agreed to pay \$105 million dollars to resolve the actions. The combined \$219 million recovery represents one of the largest recoveries against indenture trustees in United States history and the largest Ponzi recovery in California history. (Settled, 2013).

***In re Intuitive Derivative Litigation***

**San Mateo Superior Court**

CPM was Co-Lead Counsel in a shareholder derivative action against certain current and former officers and directors of Intuitive, which sold a robotic surgical system, alleging that Intuitive failed to disclose ongoing issues with regulatory bodies and patient injuries from the system at the same time executives were reaping insider trading profits from personal trades. (Settled, 2017).

***In re PG&E Derivative Litigation (San Bruno Gas Explosion)***

**San Mateo County Superior Court**

CPM was Co-Lead Counsel representing PG&E shareholders following the gas pipeline explosion that devastated an entire neighborhood in San Bruno. The explosion, and resulting fire, killed eight people, injured dozens more and destroyed or damaged several dozen homes. PG&E ultimately was held criminally liable for its conduct, and paid tens of millions of dollars in fines and settlements. Through the derivative action, CPM secured a \$90 million settlement from PG&E's officers and directors, one of the largest monetary settlements in United States history, and extensive reforms to PG&E's safety and risk management practices overseen by management along with ongoing reports to the Court.

***In re Alphabet Inc. Shareholder Derivative Litigation (Sexual Harassment Practices)***

**Santa Clara County Superior Court**

CPM is currently counsel in consolidated shareholder derivative action, alleging that Alphabet's management failed to monitor and prevent sexual harassment of employees by top Google executives and, instead, approved lucrative compensation to Google executives and then allowed them to quietly "resign" after they were credibly accused of sexual harassment and other misconduct. Even after public outrage when the conduct was disclosed and the walkout of nearly 20,000 Google employees, Alphabet failed to seek recourse. The derivative action seeks to reform Alphabet's governance

***Lehman Brothers Litigation***

**USDC, Southern District of New York**

CPM was Liaison Counsel and represented San Mateo County, Monterey County, the cities of Auburn, San Buenaventura, Burbank, and Zenith Insurance Company in a securities action relating to their investment losses in Lehman Brothers. CPM, on behalf of its clients, was the only firm to obtain monetary recoveries from the individual defendants themselves and one of the first to pursue claims against Ernst & Young, LLP. (Settled, 2014).

***In re Homestore.com, Inc. Securities Litigation***

**USDC, Central District of California**

CPM was Lead Counsel in a securities fraud class action representing CALSTRS against Homestore.com, Inc., its senior officers and directors, its auditors, and other companies who engaged in fraudulent “roundtripping” transactions, increasing revenues by false accounting methods. In 2004 the court approved a settlement in which Homestore agreed to reform its corporate policies and pay approximately \$93 million in stock and cash. In 2011, CPM obtained a jury verdict against a Homestore executive for securities fraud. (Jury Verdict, 2011).

***HL Leasing Ponzi Scheme***

**Fresno County Superior Court**

CPM obtained a jury verdict for \$46.5 million against the top two senior officers of HL Leasing, Inc. for their involvement in a Ponzi scheme. The jury verdict came three days after the court had entered a directed verdict for \$114 million against HL Leasing, Inc., Heritage Pacific Leasing and Air Fred, LLC for a Ponzi scheme in which over 1200 victims lost approximately \$137 million. (Jury Verdict, 2011).

***Monterey County/San Buenaventura / WaMu***

**USDC, Western District of Washington**

CPM represented Monterey County and the City of San Buenaventura relating to their investment losses in Washington Mutual. Defendants allegedly deceived investors relating to their underwriting and exposure to subprime losses, and engaged in misleading accounting practices. (Settled, 2011).

***Pay By Touch Litigation***

**San Francisco County Superior Court**

CPM represented investors, including the Getty family trusts, in a securities action against UBS Securities and former executives of Pay By Touch alleging fraud and negligent misrepresentation. (Settled, 2011).

***California State Teachers’ Retirement System v. Qwest Communications***

**San Francisco County Superior Court**

CPM represented CalSTRS in a securities action against Qwest Communications International, Inc., its securities underwriters, its senior officers and directors, and its auditor, Arthur Andersen arising out of the fraud executed by Qwest’s senior officers. The litigation strategy resulted in a \$46.5 million settlement for CalSTRS alone, compared to the entire \$400 million class settlement. CalSTRS’ individual settlement is approximately 11.6% of the total class settlement. CalSTRS also recovered over 50% of its actual damages, compared to a 6% class recovery. This

is an exceptional settlement in a securities litigation and became the subject of securities panel discussions. (Settled, 2007).

***California State Teachers' Retirement System v. AOL Time Warner***

**Los Angeles County Superior Court**

CPM represented CalSTRS in a securities action against AOL Time Warner, its securities underwriters, its senior officers and directors and its auditor, Ernst & Young ("E&Y") alleging violations of state and federal securities law. CalSTRS was able to recover \$107.4 million in settlement, representing 80% of its losses and over 7 times what it would have recovered if it had remained a member of the Class. Our firm's participation in the CalSTRS/AOL Time Warner litigation was also at the cutting edge of California securities law development. We obtained a ruling from the Los Angeles Superior Court holding that the Supreme Court ruling in *Dura Pharmaceuticals, Inc. v. Broudo*, 544 U.S. 336 (2005) did not apply to actions brought under the California securities laws. We also were one of the first firms to litigate the issue of reliance as it relates to index investing, an issue of significant importance to all pension funds. This litigation demonstrates our firm's commitment to fighting to ensure that federal and state securities laws are able to protect injured investors and preserve the integrity of America's securities markets. (Settled, 2007).

***Worldcom***

***The Regents of the University of California v. Salomon Smith Barney, Inc., et al.***

**USDC, Southern District of New York**

CPM represented the Regents of the University of California in an individual securities action WorldCom, Inc., its underwriters and its officers and directors, including Bernard Ebbers, relating to a massive multibillion accounting fraud which resulted in the bankruptcy of one of the largest telecommunications companies in the United States. Regents had invested in WorldCom securities prior to the Class Period and would have recovered nothing from the settlement. This was one of the first cases to successfully bring a holder's claim under California's blue sky laws, as recognized by the California Supreme Court in *Small v. Fritz* (2003) 30 Cal.4th 167. (Settled, 2006).

***In re Oracle Derivative Litigation***

**USDC, Northern District of California**

CPM was Co-Lead Counsel for investors in a shareholder derivative complaint on behalf of Oracle Corporation against certain members of its Board of Directors and certain senior officers for breach of fiduciary duty and abuse of control relating to the over-billing of the US government for software products.

***In re Novellus Systems, Inc. Litigation***

**Santa Clara County Superior Court**

CPM was Co-Lead Counsel in a class action representing the Louisiana Municipal Police Employees' Retirement System against Novellus' Board of Directors for alleged breaches of their fiduciary duties arising from a merger with Lam Research Corporation. CPM alleged that the merger was for inadequate consideration and was arrived at through an unfair process that did not adequately safeguard the interest of Novellus shareholders. (Settled, 2012).

***In re Mutual Funds Investment Litigation***

**USDC, District of Maryland**

CPM was Lead Counsel in a securities fraud class action filed against Janus mutual funds for allowing select investors to make substantial profits at the expense of other investors. The suits were filed in September 2003 and accuse the funds of allowing “market timing” and “late trading” by its largest customers resulting in millions of dollars of losses to other shareholders. (Settled, 2010).

***In re Genentech/Roche Shareholder Litigation***

**San Mateo County Superior Court**

CPM was Co-Lead Counsel in a class action alleging several defendants breached their fiduciary duty relating to a proposed buy-out offer of Genentech by its largest and controlling shareholder, Roche Holdings. (Settled, 2009).

***Merrill Lynch Class Action***

**USDC, Southern District of New York**

CPM represented former First Republic Bank shareholders in a securities class action against Merrill Lynch & Co., which is accused of hiding billions of dollars of losses related to subprime mortgages while the companies’ merger was pending. Defendants allegedly mislead First Republic shareholders about its finances as they considered Merrill’s \$1.8 billion takeover of the company. (Settled, 2009).

***In re Apple Computer Inc. Derivative Litigation***

**USDC, Northern District of California**

CPM was Lead Counsel in a derivative action on behalf of Apple relating to backdating of stock options granted to various executives. The action alleged violations of federal and California state securities statutes and resulted in Settlement of cash and novel corporate governance reform. (Settled, 2008).

***Madoff Litigation***

**New York State Supreme Court**

CPM represents investors in a securities action naming individuals and entities who are alleged to be liable in the \$65 billion Ponzi Scheme perpetrated by Bernard Madoff. Plaintiffs allege that Defendants, JP Morgan and the Bank of New York as well as accounting firm KPMG LLP and their international counterparts, KPMG UK and KPMG International were primary players responsible for the fraud. Partners Joseph Cotchett and Nancy Fineman were the first and only attorneys to interview Bernard Madoff in prison.

***American Continental Corp./Lincoln Sav. & Loan***

**794 F. Supp. 1424, UDSC, District Court of Arizona**

CPM represented shareholder and bondholder victims of Charles Keating in a securities class action, and related insurance coverage litigation, including lengthy jury trial. (Largest jury verdict against an individual defendant in American history – \$3.5 billion against Keating and others.) (Jury Verdict).

***Technical Equities Litigation***

***Abelson v. National Union***

**Santa Clara County Superior Court**

CPM represented hundreds of individual plaintiffs in a fraud litigation, and subsequent insurance coverage and insurance bad faith litigation, and included three lengthy jury trials and three court trials. (Largest verdict in California for 1991).

***Bily v. Arthur Young & Co.***

**3 Cal. 4th 370 (1992)**

CPM represented shareholders in a professional negligence action against Arthur Young & Co. for materially misleading financial statements. Seminal case in California discussing auditor liability to shareholders.

***In re Federal Home Loan Mortgage Corp. (Freddie Mac) Securities Litigation***

**USDC, Southern District of New York**

CPM was Lead Counsel in securities class action against Freddie Mac executives alleging that they misrepresented material facts regarding Freddie Mac's business prior to government conservatorship. The losses suffered by the Class of preferred shareholders exceed \$6 billion. (Settled).

***Diversified Lending Group***

**Los Angeles County Superior Court**

CPM represents investors in a securities action involving a multi-hundred million dollar fraudulent investment scheme perpetrated by Diversified Lending Group, Inc., Applied Equities, Inc. Bruce Friedman, and Diane Cano. (Settled).

***In re Informix Derivative Litigation***

***Smurthwaite v. White***

**San Mateo County Superior Court**

CPM was Lead Counsel in consolidated shareholder derivative actions against corporate officers, directors and accountants relating to accounting fraud. (Settled, 2000).

***In re Sybase Derivative Litigation***

**Alameda County Superior Court**

***Krim v. Kertzman***

**Alameda County Superior Court**

CPM was Lead Counsel in consolidated shareholder derivative actions against corporate officers and directors. (Settled, 2000).

***CBT Group Litigation***

***Durrett v. McCabe***

**San Mateo County Superior Court**

CPM represented holders of American Depository Shares in a derivative litigation against officers and directors of CBT Group PLC for accounting fraud and insider trading. (Settled, 2000).

***Orange County Securities Litigation***

***Smith v. Merrill Lynch***

**Orange County Superior Court**

CPM represented debt securities holders of Orange County and its investment pool participants in a securities class action. (Settled, 1997).

***Acclaim Securities Litigation***

***Campbell v. Petermeier, et al.***

**Alameda County Superior Court**

***Campbell v. Acclaim Entertainment, Inc., et al.***

**USDC, Eastern District of New York**

CPM represented investors in a securities class action arising from a stock swap merger. (Settled, 1997).

***In re Pilgrim Securities Litigation***

**USDC, Central District of California**

CPM represented investors in a mutual fund fraud class action. (Settled, 1997).

***West Valley Litigation***

***Knight v. Rayden***

**Santa Clara County Superior Court**

CPM represented real estate limited partnership investors in a securities class action. (Settled, 1996).

***In re Oak Technologies Securities Litigation***

**Santa Clara County Superior Court**

CPM served as Co-Lead Counsel for investors in a securities class action for insider trading and abuse of control. (Settled).

***In re HomeFed Securities Litigation***

**USDC, Southern District of California**

CPM represented bankrupt S&L as plaintiff in action against former S&L officers, directors and accountants for mismanagement and breach of fiduciary duty. (Settled).

***Giorgetti v. BankAmerica Corp.***

**San Francisco County Superior Court**

CPM represented shareholders in a class action for failure to pay control premium in connection with merger between Bank of America and NationsBank Corp. (Settled).

***Harmsen v. Smith***

**693 F. 2d 932 (9th Cir. 1982)**

**586 F. 2d 156 (9th Cir. 1978)**

**542 F. 2d 496 (9th Cir. 1976)**

CPM represented shareholders of United States National Bank, San Diego in a securities class action against C. Arnholt Smith and other officers, directors, and insiders. Multi-million dollar

jury verdicts upheld on appeal. The first securities class action tried on both liability and damages to a jury.

***J. David Dominelli Litigation***  
***Rogers & Wells v. Superior Court***  
**175 Cal. App. 3d 545 (1986)**

CPM represented hundreds of clients in investor fraud litigation in San Diego County Superior Court including a lengthy jury trial.

**PUBLIC ENTITY CASES**

***People of the State of California v. Atlantic Richfield, et al. (“Lead Paint Litigation”)***  
**Santa Clara County Superior Court**

CPM represented the People of the State of California alongside ten California Cities and Counties in a public nuisance action in the Complex Department of Santa Clara County Superior Court. The six defendants included the largest historical manufacturers of lead-based paint and lead pigments in the country. The case was initially filed in March of 2000, and was finally brought to trial in the summer of 2013. The Lead Paint Litigation is considered one of the largest representative public nuisance actions in the country ultimately resulting in a judgment for the People in the amount of \$1.15 Billion.

***LIBOR-Based Financial Instruments Antitrust Litigation***  
**USDC, Southern District of New York**

CPM represents the Counties of San Mateo and San Diego, the Cities of Richmond and Riverside, East Bay Municipal Utility District, and other public entities who invested in financial instruments that were tied to the London Interbank Offered Rate, or LIBOR. LIBOR is the world’s benchmark rate used for setting interest rates on a wide range of financial instruments, from car and home loans to municipal derivatives. LIBOR is set daily based on the borrowing costs reported by members of the British Bankers’ Association. The complaints allege that the member banks conspired to suppress LIBOR, both to reduce the amounts they were required to pay on LIBOR-linked transactions, and to increase their perceived strength in the market. Plaintiffs invested significant sums in financial instruments, such as interest rate swaps and corporate securities, the rates of return of which were tied to LIBOR, and earned less on those investments as a result of the alleged suppression of LIBOR.

***Municipal Derivative Investment Antitrust Litigation***  
**USDC, Southern District of New York**

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts (“GICs”) and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM’s investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers

in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

***Municipal Bond Insurance Antitrust Litigation***

**San Francisco County Superior Court**

CPM represents Los Angeles and numerous public entities who issued tax-exempt municipal bonds to raise funds to finance public works projects and were compelled to purchase insurance for those bond issuances. When a public entity issues bonds, its credit rating determines the interest it will pay to bond holders. To reduce the interest rate, public entities have had to purchase bond insurance to improve their credit worthiness (despite an historical default rate of less than 0.1 percent). CPM's investigation has uncovered and the complaints allege that the bond insurance companies violated antitrust law and common law by conspiring to maintain a dual credit rating system that discriminates against public entities (versus private corporations), causing public entities to pay unusually high premiums to purchase unnecessary bond insurance, and failure of the bond insurance companies to disclose they made risky investments in the subprime market that has led to the downgrading of the bond insurers' own credit ratings.

***San Francisco Unified School District***

**Sacramento County Superior Court**

CPM filed a consumer fraud and negligence case against a Fortune 250 energy company in a scheme to defraud the district in connection with an energy contract to upgrade schools and help the district save in energy costs. (Settled in June of 2004 for \$43.1 million)

***National Gas Anti-Trust Cases I, II, III, & IV***

**San Diego Superior Court**

CPM represented eleven public entities and others for the reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the California energy crisis. CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.

***In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation  
County of San Mateo v. Kimberly-Clark Corp.***

**San Francisco County Superior Court**

CPM served as the Public Entity Co-Liaison Counsel, and filed an antitrust class action on behalf of public entity consumers of commercial sanitary paper products for an alleged price-fixing conspiracy among producers. This case settled for approximately \$2,250,000.

***Judicial Counsel of California***

**USDC, Northern District of California**

CPM successfully defended the Chief Justice of the State of California and the Judicial Counsel of California in an action brought by the National Association of Securities Dealers (NASD) to invalidate California's Ethics Standards for Neutral Arbitrators by demonstrating that the 11th Amendment bars federal actions against these state actors.

***Federal Energy Regulatory Commission (FERC)***

**United States Court of Appeals, 9th Circuit**

CPM represented the California State Senate, the California State Assembly, and the City of Oakland in an action against FERC. Petitioned the Court to issue a writ of mandamus to compel FERC to take action to ensure just and reasonable rates for energy in California and the Western states.

***Central Sprinkler County of Santa Clara v. Central Sprinkler Corp. Santa Clara County Superior Court Hart v. Central Sprinkler Corp.***

**Los Angeles County Superior Court**

CPM filed a consumer class action against manufacturer of automatic fire suppression sprinklers for product defects and consumer fraud. (Class certified and settlement finally approved, 1999). 193 Cal. App. 3d 802 (1987). Class action for antitrust and unfair business practices.

**ANTITRUST CASES**

***Auto Parts Antitrust Litigation***

**USDC, Eastern District of Michigan**

CPM is co-lead counsel on behalf of consumers against manufacturers of auto parts, including bearings, fuel senders, heater control panels, safety systems, instrument control clusters and wire harnesses, for a world-wide conspiracy to fix prices for those parts for use in cars and trucks.

***Webkinz Litigation, Nuts for Candy v. Ganz Inc., et al.***

**USDC, Northern District of California**

CPM was lead counsel representing a proposed class of persons or entities in the United States who ordered Webkinz from Ganz Inc. on the condition that they also order products from Ganz's "core line" of products. The complaint alleged that Ganz conditioned the purchase of its popular Webkinz plush line toy with a minimum \$1,000 purchase of non-Webkinz "core" line products in violation of federal antitrust laws. On September 17, 2012, Hon. Richard Seeborg of the Northern District of California approved a class action settlement on behalf of a class of small business retailers against Ganz Inc. for alleged antitrust violations where customers were required to purchase unwanted products as a condition to purchasing Ganz's popular Webkinz Toy. (Settled, 2012).

***In re Transpacific Passenger Air Transportation Antitrust Litigation***

**USDC, Northern District of California**

CPM is the court-appointed Co-Lead counsel for a proposed class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transpacific routes. Plaintiffs have settled with Japan Airlines for \$10 million.

***In re: Plasma Derivative Protein Therapies Antitrust Litigation***

**USDC, Northern District of California**

CPM is lead counsel for indirect purchasers in this antitrust class action alleging price-fixing in the market for the life-saving blood products albumin and immunoglobulin.

***Freight Forwarders Antitrust Litigation***

**USDC, Eastern District of New York**

CPM is Co-Lead Counsel for Direct Purchasers of Freight Forwarding services in the United States and filed a complaint alleging that the major providers of Freight Forwarding conspired to fix the prices of such services in violation of U.S. federal antitrust law (15 U.S.C. § 1). The action has already led to multiple settlements for the benefit of the class.

***In re Cathode Ray Tube (CRT) Antitrust Litigation***

**USDC, Northern District of California**

CPM is an Executive Committee Member and represents a class of direct purchaser plaintiffs against manufacturers of cathode ray terminals (“CRT”) whose prices were artificially raised, maintained or stabilized at a supra-competitive level by defendants and their co-conspirators. Settlements amounting to \$79.5 million have been reached with four of the defendants.

***In re Static Random Access Memory (SRAM) Antitrust Litigation***

**USDC, Northern District of California**

The Court appointed CPM as sole Lead Counsel for direct purchaser plaintiffs of Static Random Access Memory (“SRAM”) chips. CPM successfully secured a \$77 million settlement on behalf of plaintiffs. Important legal rulings were reached on cutting edge issues such as the extent to which the United States antitrust laws apply to foreign conduct, standing of class representatives and the proper showing for class certification. (Settled, 2011).

***In re Dynamic Random Access Memory (DRAM) Antitrust Litigation***

**USDC, Northern District of California**

CPM served as chair of the Discovery Committee in a multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.

***In re Lithium Batteries Antitrust Litigation***

**USDC, Northern District of California**

The Court appointed CPM as Co-Lead Counsel on behalf of direct purchasers of lithium-ion rechargeable batteries that defendants allegedly conspired to fix the price on.

***Municipal Derivative Investment Antitrust Litigation***

**USDC, Southern District of New York**

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts (“GICs”) and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM’s investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

***In re Digital Music Antitrust Litigation***

**USDC, Southern District of New York**

CPM was appointed to the Steering Committee in this class action brought on behalf of all persons who paid inflated prices for music sold as digital files.

***E&J Gallo Winery v. EnCana Energy Services, et al.***

**USDC, Eastern District of California**

CPM successfully represented E. & J. Gallo Winery in an antitrust action against natural gas companies for manipulating energy prices, which led to the 2000-2001 California energy crisis, in which energy companies not only gouged the State of California and its residents of billions of dollars but led to rolling blackouts throughout California. E. & J. Gallo Winery is one of the largest natural gas users in the State of California and it suffered millions of dollars in losses. CPM's aggressive prosecution of this case resulted in the case settling on the eve of trial for a substantial sum. CPM's efforts led to the landmark Ninth Circuit opinion on the filed rate doctrine at E. & J. Gallo Winery v. EnCana Corporation, 503 F.3d 1027 (9th Cir. 2007).

***Kopies, Inc, et al. v. Eastman Kodak Co.***

**USDC, Northern District of California**

CPM was appointed Co-Lead counsel, and successfully prosecuted an antitrust class action on behalf of copier service firms against parts manufacturer for illegal tying of products and services. CPM successfully reached a \$45 million settlement with Kodak on behalf of plaintiffs.

***Municipal Bond Insurance Antitrust Litigation***

**San Francisco County Superior Court**

CPM represents Los Angeles and numerous public entities who issued tax-exempt municipal bonds to raise funds to finance public works projects and were compelled to purchase insurance for those bond issuances. When a public entity issues bonds, its credit rating determines the interest it will pay to bond holders. To reduce the interest rate, public entities have had to purchase bond insurance to improve their credit worthiness (despite an historical default rate of less than 0.1 percent). CPM's investigation has uncovered and the complaints allege that the bond insurance companies violated antitrust law and common law by conspiring to maintain a dual credit rating system that discriminates against public entities (versus private corporations), causing public entities to pay unusually high premiums to purchase unnecessary bond insurance, and failure of the bond insurance companies to disclose they made risky investments in the subprime market that has led to the downgrading of the bond insurers' own credit ratings.

***In re International Air Transportation Surcharge Antitrust Litigation***

**USDC, Northern District of California**

CPM served as Co-Lead Counsel or a class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transatlantic routes. Plaintiffs secured settlements on behalf of the class with Defendants Virgin Atlantic Airways, LTD and British Airways Plc worth approximately \$204 million. (Settled, 2009).

***In re Optical Disk Drive (ODD) Antitrust Litigation***

**USDC, Northern District of California**

CPM is a member of the executive committee in this multidistrict litigation alleging a conspiracy that manufacturers of optical disk drives (“ODD”) fixed prices of ODD’s sold directly to plaintiffs in the United States. Plaintiffs have reached a \$26 million settlement with the HLDS defendants.

***Air Cargo Shipping Services Antitrust Litigation***

**USDC, Eastern District of New York**

CPM, along with co-counsel, is the court-appointed lead counsel for a proposed class of U.S. indirect purchasers of international air freight services. The case alleges that the providers of international air freight services conspired to fix the prices of such services, including fuel surcharges. The case names almost forty international air freight carriers as defendants. The claims of the United States indirect purchasers is brought under the antitrust laws and consumer protection laws of various U.S. states. The Court granted approval to a settlement with defendants Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines, Ltd. (Settled, 2009).

***Toyota Motor Sales USA, Inc.***

***Livingston v. Toyota Motor Sales USA, Inc.***

**USDC, Northern District of California**

CPM filed an antitrust class action under Sherman Act by purchasers of Toyota vehicles for secret rebates. (Settled, 1997).

***Hip And Knee Implant Marketing Litigation***

**USDC, Northern District of California**

CPM, with co-counsel, has filed two complaints on behalf of proposed classes of persons who underwent hip or knee implant surgery. The complaints allege that the major manufacturers of hip and knee implants have engaged in a pervasive kickback scheme, using phony consulting agreements with orthopedic surgeons, to improperly funnel money to doctors and hospitals in return for choosing the manufacturer’s device during surgeries. This scheme artificially raised the costs of hip or knee implants paid for by members of the proposed class in violation of state antitrust and consumer protection laws.

***In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation***

***County of San Mateo v. Kimberly-Clark Corp.***

**San Francisco County Superior Court**

CPM filed an antitrust class action on behalf of class of public entity consumers of commercial sanitary paper products against alleged price-fixing conspiracy among producers. (Appointed co-lead counsel for public entity class, 1998).

***Dry Creek Corporation v. El Paso Corporation***

**San Diego County Superior Court**

CPM filed an antitrust action against El Paso for withholding natural gas from California in order to drive up prices, which was successfully resolved on behalf of the Plaintiff.

***In re Hydrogen Peroxide Antitrust Litigation***

**USDC, Eastern District of Pennsylvania**

CPM filed an antitrust class action for conspiracy to fix prices of hydrogen peroxide manufactured and sold by defendants who were engaged in an alleged price-fixing conspiracy.

***In re Intel Corporation Microprocessor Antitrust Litigation***

**USDC, District Court of Delaware**

CPM represents entities against Intel Corporation for antitrust violations relating to monopolization. CPM has been active in assisting lead counsel with discovery.

***National Gas Anti-Trust Cases I, II, III, & IV***

**San Diego Superior Court**

CPM represented eleven public entities and others for the reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the California energy crisis. CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.

***Bathroom Fittings Cases***

**USDC, Northern District of California**

CPM was a member of the Executive Committee in an antitrust class action for a conspiracy to fix prices of Bathroom Fitting manufactured by defendants participating in an alleged price-fixing conspiracy.

***Magazine Paper***

**San Francisco County Superior Court**

CPM filed an antitrust class action for price-fixing conspiracy against magazine paper products International Paper Co., MeadWestvaco Corporation, Norse Skog, Stora Enso, Sappi Limited, S.D. Warren Company and others.

***Foundry Resins***

**USDC, Southern District of Ohio**

CPM filed an antitrust class action for conspiracy to fix prices of resins manufactured by Ashland Inc., Ashland Specialty Chemical Company, Borden Chemical Inc., Delta HA, Inc., HA International LLC.

***In re Automotive Refinishing Paint Cases***

**Alameda County Superior Court**

CPM was appointed Co-Liaison Counsel in an antitrust class action for conspiracy to fix the price of auto paint by manufacturers engaged in an alleged price-fixing conspiracy. The class was certified in 2004.

***In re Methionine Antitrust Litigation***

**USDC, Northern District of California**

CPM was appointed Co-Lead Counsel in this antitrust class action against several methionine manufacturers involved in a conspiracy to fix the prices of and allocate the markets for methionine. This case settled for \$107 million.

***In re Citric Acid Antitrust Litigation***

**USDC, Northern District of California**

CPM served as Co-Lead Counsel in an antitrust class action against the five largest sellers of citric acid in the United States, who conspired to raise and fix the price of citric acid at artificially high levels. Co-Lead counsel successfully certified the class in October 1996. Co-Lead Counsel also reached approximately \$86.5 million in combined settlements with defendants Archer Daniels Midland Co., Hoffmann-La Roche Inc., Jungbunzlauer, Inc., Haarmann & Reimer Corp., and Cerestar Bioproducts B.V.

***In re Beer Antitrust Litigation***

**USDC, Northern District of California**

CPM was appointed Co-Lead counsel in an antitrust class action on behalf of specialty beer brewers against Anheuser-Busch, Inc. for attempt to monopolize U.S. beer industry by denying access to distribution channels.

***In re Sodium Gluconate Antitrust Litigation***

**USDC, Northern District of California**

CPM served as Lead Counsel in an antitrust class action against defendants who allegedly price fixed sodium gluconate, and industrial cleaning agent. CPM successfully certified the class, and reached a settlement on behalf class plaintiffs in the amount of \$4,801,600.

**PRODUCT LIABILITY CASES**

***In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation***

**USDC, Central District of California**

CPM was Co-Lead counsel in a class action against Toyota Motor Corporation and its U.S. sales and marketing arms, Toyota Motor Sales, U.S.A., Inc. and Toyota Motor North America, Inc. United States District Judge James V. Selna appointed Frank M. Pitre as Co-Lead Counsel for the Economic Loss Committee in the Toyota sudden unintended acceleration litigation. The MDL involves more than 200 lawsuits divided into two groups: those seeking losses on behalf of consumers and others who have lost value on their Toyotas, and those seeking damages for people who have been injured or killed in a Toyota. (Settled, 2012 - \$1.3 billion).

***Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation***

**USDC, Northern District of California**

CPM was co-lead trial counsel in the In Re: Bextra and Celebrex Mktg., Sales Practices & Product Liability Litigation, which culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its pain killers Bextra & Celebrex.

***Vioxx Product Liability Litigation***

**USDC, Northern District of New York**

CPM represents a number of individuals who suffered medical injuries such as heart attacks and strokes after taking the prescription drug Vioxx. The drug was withdrawn from the market by its manufacturer and distributor, Merck & Co., Inc., after evidence emerged linking the drug to heart attacks, strokes, sudden cardiac death and other serious cardiovascular risks.

***Sharper Image Corporation v. Consumers Union of United States***

**USDC, Northern District of California**

CPM was successful in defending under California's Anti-SLAPP statute of product disparagement claim brought by Sharper Image relating to reviews of Sharper Image's Ionic Breeze air cleaner published in Consumer Reports.

***Isuzu Motors Ltd. v. Consumers Union of the United States, Inc.***

**USDC, Central District of California**

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against non-profit consumer testing organization. Jury verdict for Consumers Union after a two-month jury trial.

***Suzuki Motor Corp. Japan v. Consumers Union of the United States, Inc.***

**USDC, Central District of California**

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against nonprofit consumer testing organization. Summary judgment in favor of defendants was granted in May 2000.

***Diet Drug Litigation***

**Los Angeles County Superior Court**

**USDC, Eastern District of Pennsylvania**

CPM represented approximately 100 individuals in consumer fraud and product liability individual actions.

***Rhonda Albom, et al. v. Ford Motor Company/Firestone Tires***

**Los Angeles Superior Court**

CPM represented a young child and her mother who were injured when their Ford Explorer veered out of control and rolled over in Half Moon Bay, California. The case was one of several against Ford Motor Company and Firestone Tires consolidated before the Superior Court of Los Angeles.

***Swine Flu Immunization Products Litigation***

***Adleson v. United States***

**USDC, Northern District of California (1981)**

**523 F. Supp. 459**

**USDC, District of Columbia (1980)**

**89 F.R.D. 695**

MDL actions for product liability.

***Bausch & Lomb Contact Lens Solution Product Liability Litigation***

**USDC, District of South Carolina**

CPM represents individuals who sustained serious eye injuries as a result of the use of the contact lens solution ReNu with MoistureLoc. The product was withdrawn from the market by its manufacturer and distributor, Bausch & Lomb, after it was associated with fungal keratitis (a rare type of eye infection).

***Dephlia Davis, et al. v. Actavis Group, et al.***

**USDC, Northern District of California**

CPM represented individuals who were injured or killed after injecting the drug Digitek, which was formulated and distributed by the manufacturers and suppliers at a level more than double the FDA prescribed maximum.

***Trawick v. Parker-Hammifin, et al.***

**Monterey County Superior Court**

CPM successfully prosecuted a product liability claim against the manufacturer and supplier of a defective rubber hose coupling installed on a forklift which failed and killed a construction foreman at the Monterey Plaza Hotel.

***Austin Hills, et al. v. S & G Ragsdale Equipment Co., LLC, et al.***

**Napa County Superior Court**

CPM represented the Hills family in a product liability/negligence claim against the parties responsible for the defective operation of a truck/trailer hitch system which caused a 5 ton trailer with drilling equipment to disengage, then swerve into the opposing lane of traffic killing Erika Hills, a resident of Napa.

***Munoz, et al. v. Bayer Corporation, et al.***

**San Joaquin County Superior Court**

CPM successfully represented multiple individuals who were killed or injured after ingesting the drug Baycol, which was promoted by Bayer Pharmaceutical without alerting users of a severe muscle adverse reaction known as rhabdomyolysis.

***In re Cable News Network and Time Magazine "Operation Tailwind" Litigation,***

***Sheppard v. Cable News Network, Inc.***

**USDC, Northern District of California**

CPM represented Vietnam veterans in an action against Time and CNN who falsely reported to have committed war crimes in Laos.

**QUI TAM CASES**

***Medical Laboratories Medi-Cal Fraud Case***

**Sacramento County Superior Court**

CPM represented a whistleblower, Chris Riedel, who owns a lab company, Hunter Laboratories of Campbell, California. The California Attorney General's office joined the case in late 2008. The lawsuit alleged that, despite state law requiring that California's Medi-Cal program receive the lowest price for lab services, Quest Diagnostics, the largest lab in California, and LabCorp, the

second largest, routinely billed California prices far above what it was charging others. The case settled in 2011, recovering \$301 million in taxpayer money from the lab defendants, including \$241 million from Quest Diagnostics, Inc. The \$241 million settlement is the largest False Claims Act recovery in California history, and the largest single-state False Claims Act settlement ever in United States history.

***California ex rel. Richardson v. Ischemia Research & Education Foundation***

**San Francisco Superior Court**

CPM filed a Qui Tam California False Claims Act case against research foundation for failure to pay direct and overhead costs in clinical drug studies to its host university. (Settled, 1997)

***United States v. Columbia HCA***

**USDC, Northern District of California**

CPM filed a Qui Tam False Claims Act litigation against healthcare provider for false billing.

***United States v. Tenet Healthcare Corporation***

**USDC, Central District of California**

CPM filed a Qui tam False Claims Act litigation against healthcare provider for false claims for payment.

**BUSINESS CASES**

***Humboldt Creamery Litigation***

**Humboldt County Superior Court**

CPM is representing the Liquidating Trustee of Humboldt Creamery, LLC in a lawsuit filed against the company's former Chief Executive Officer, Richard Ghilarducci, its Chief Financial Officer, Ralph A. (Tony) Titus and its independent auditor, Frank X. Gloeggler alleging financial fraud. Defendants are alleged to have had manipulated financial data by creating different sets of financial statements for different purposes and inflating revenue.

***Siller v. Siller Brothers, Inc.***

**Sutter County Superior Court**

CPM successfully represented a minority shareholder in a dissolution proceeding and trial establishing a value for his corporate interest at more than double that of the court appointed appraisers.

***Olympus v. Taisei Construction***

**Santa Clara County Superior Court**

CPM represented the owner of the prestigious Calistoga Ranch Resort in an action for fraudulent overbilling against Taisei Construction.

## **ENVIRONMENTAL AND TOXIC CASES**

### ***Earth Island Institute v. Crystal Geyser Water Co. et al.,***

**USDC, Northern District of California**

**San Mateo Superior Court**

CPM represents Earth Island, a Berkeley-based nonprofit institution, seeking to hold major consumer goods companies accountable for their contribution to plastic pollution in California shores and waterways. Earth Island alleges that, among other conduct, the defendants misled consumers about the recyclability of their products' plastic packaging.

### ***Lawsuit Against Caltrans to Protect Ancient Redwoods***

**USDC, Northern District of California**

**San Francisco County Superior Court**

CPM filed an environmental action against Caltrans challenging Caltrans' approval of a controversial highway widening and realignment project alleging that they violated the California Environmental Quality Act in approving the project.

### ***Cosco Busan Oil Spill***

***Tarantino, et al. v. Hanjin Shipping Co., Ltd., et al.***

**San Francisco County Superior Court**

***Loretz, et al. v. Regal Stone, Ltd., et al.***

**USDC, Northern District of California**

CPM is co-lead counsel for settlement and litigation classes of San Francisco Bay fishermen economically injured by the November 7, 2007 Cosco Busan oil spill. (Partially Settled, 2010).

### ***Californians for Native Salmon Litigation***

**221 Cal. App. 3d 1419 (1990)**

Representative action regarding approval of timber harvest plans.

### ***Avila Beach Environmental Litigation***

***Poist v. Unocal Corporation***

**San Luis Obispo County Superior Court**

CPM represents owners of interest in timeshares in cost-side towns in an environmental toxic class action arising out of petroleum contamination and remediation efforts.

### ***Cambria Community Services District/Chevron Litigation***

**San Luis Obispo County Superior Court**

CPM represented Cambria Community Services District against Chevron for a leak which contaminated the town's drinking water supplies with MTBE. The firm was successful in securing a settlement for Cambria which permitted it to insure that alternate water sources were available for the community.

### ***Santa Maria Valley Litigation***

***Story, et al. v. Unocal Corporation, et al.***

**Santa Barbara County Superior Court**

***Span, et al. v. Unocal Corporation, et al.***

**Santa Barbara County Superior Court**

***Adelhelm, et al. v. Unocal Corporation, et al.***

**Santa Barbara County Superior Court**

***Chabot, et al. v. Unocal Corporation, et al.***

**Santa Barbara County Superior Court**

CPM represented homeowners and families living in Santa Maria, California, an old oil field which was the setting of the film *There Will be Blood*. When production in the oil field tapered off, residential communities were constructed atop the old oil fields – and on top of the waste which the oil companies left behind. The firm has been successful in providing remedies to these families, who have been able to leave behind their polluted homes and communities and restart their lives.

***Burbank Litigation***

**USDC, Central District of California**

CPM represented homeowners for nuisance arising from environmental remediation efforts at site of massive toxic contamination.

***Voisinnet Litigation***

***Voisinnet, et al. v. Unocal, et al.***

**San Luis Obispo County Superior Court**

CPM represented home developers for nuisance and fraud arising out of petroleum contamination.

***Bridgestone/Firestone Litigation***

***Dower, et al. v. Bridgestone/Firestone North American Tire, LLC, et al.***

**USDC, Northern District of California**

CPM represented homeowners for toxic groundwater contamination released from the Crazy Horse Sanitary Landfill in Salinas, California.

**AVIATION CASES**

***Asiana Flight 214 Crash***

**USDC, Northern District of California**

CPM is currently representing several passengers who were aboard Asiana Airlines Flight 214 that crashed and caught fire while landing at San Francisco International Airport on July 6, 2013.

***Tesla Plane Crash Litigation***

**San Mateo County Superior Court**

CPM is representing victims of the February 17, 2010 crash of the Cessna 310R aircraft that took off from the Palo Alto Municipal Airport and collided with power lines, then crashed into multiple homes, narrowly missing a day care center. All three people killed in the plane crash were Tesla engineers.

***Alaska Airlines Litigation***

**USDC, Northern District of California**

CPM represented the survivors of one of the victims of crash of Alaska Airlines Flight 261 on January 31, 2000 off the coast of California.

***Singapore Airlines Litigation***

***Thomas v. Singapore Airlines***

**USDC, Central District of California**

CPM represented victims of the October 31, 2000 crash of a Singapore Airlines passenger jet in Taiwan in which 83 people were killed and dozens injured.

***Montoya v. Bell Helicopter***

**USDC, Northern District of Texas**

CPM represented the wife and children of the executive and against the helicopter manufacturer and the French company, which supplied the component parts. This case involved pursuit of a claim for product liability in the design of the engine shroud incorporated into a Bell helicopter, which crashed in the jungle of New Guinea killing a Chevron executive.

***PSA Flight 1771 Litigation***

**Los Angeles County Superior Court**

CPM represented victims of the December 7, 1989 air crash of a PSA jetliner near San Luis Obispo. The case was unique due to the focus on breaches of security by the airline and airport security, which permitted a disgruntled former airline employee to by-pass security with a gun later used to kill the pilot and crew during flight.

**CONSTRUCTION CASES**

***Delgado vs. City of Millbrae, et al.***

**Santa Clara County Superior Court**

CPM served as co-lead counsel in a successful 5-year battle against various engineers and contractors responsible for a hillside failure during the winter storms of 2001–2002.

**ELDER ABUSE CASES**

***San Mateo County Public Guardian (Muhek) v. Miller***

**San Mateo County Superior Court**

CPM filed an action on behalf of senior citizen against care giver who took life savings.

***Santa Clara Public Guardian (McCulla) v. Walia***

**Santa Clara County Superior Court**

CPM filed an action against the companies, real estate brokers and others as a result of \$1.4 million in fraudulent loans to a senior citizen.

***Alameda Public Guardian (Bowie) v. First Alliance Mortgage***

**Alameda County Superior Court**

CPM filed an action against lenders for allowing loans to be placed on senior citizen's home by a third party.

***Melder v. Pacific Grove Convalescent Hospital***

**Monterey County Superior Court**

CPM filed an action against nursing home for alleged inappropriate sexual behavior by employee.

***Rodriguez v. Res-Care, Inc. et al.***

**San Mateo County Superior Court**

CPM filed an elder abuse case against ResCare on behalf of a victim who suffered second and third degree burns when she was put in a shower for 20 minutes with scalding, 130 to 135-degree temperature water. The suit also seeks punitive damages and funding for future care. The case settled in 2008.

***Gogol v. Mills-Peninsula Health Services d/b/a Mills-Peninsula Skilled Nursing***

**San Mateo Superior Court**

In July 2012, CPM won a \$1,844,400 jury verdict after a two week trial on behalf of an 86 year old resident of San Mateo County who was injured in a nursing home. The jury also made a finding of clear and convincing evidence of recklessness, oppression, fraud or malice for an additional award of attorneys' fees and punitive damages. Ms. Gogol was recovering from a hip replacement at defendant's nursing home when she was dropped, breaking her recently replaced hip. She was placed back in bed without the injury being reported. Due to her cognitive impairment she had no memory of how her injury occurred. She received treatment only after a family member discovered her injuries. The case settled before the punitive damage phase of the trial.

***Pauline B. Reade v. Fetuu Tupofutuna, et al.***

**San Mateo County Superior Court**

CPM and The Legal Aid Society of San Mateo County provided *pro bono* representation to a 89 year old elderly widow, Pauline Reade, who was bilked out of nearly \$600,000. Ms. Reade faced foreclosure on her Pacifica home after a scam contractor tricked her into signing loan documents with various banks and mortgage entities. The action was filed to stop the sale against various individuals and entities involved in the loan transaction, including, RBS Financial Products, Inc., Deutsche Bank National Trust Co., GMAC Mortgage, LLC, Mortgage Electronic Registration Systems, Inc. Executive Trustee Services, Paul Financial, Fetuu Tupoufutuna and Mohammed Ali George.

***Snyder v. Menon et al.***

**Marin County Superior Court**

Action against lender, title company and individuals for fraud and elder abuse based upon the fraudulent inflation of the purchase price of a property the Plaintiffs sought to purchase.

***Shekhter v. Greengables Villa Care Home et al***

**Alameda County Superior Court**

Action for elder abuse against adult care facility for neglect and physical abuse in connection with the care of 94 year old woman.

***Platon v. A&C Health Care Services***

Santa Clara County Superior Court

Action for elder abuse and negligence against adult care facility for neglect and physical abuse of 91 year old resident.

***Foroudian v. Wilson et al.***

**San Mateo County Superior Court**

Action for fraud and elder abuse against title company, hard money lenders, plaintiffs' son and his ex-girlfriend for fraud and elder abuse resulting in Foroudians incurring \$2M in debt for the benefit of defendants. The Plaintiffs recovered their funds.

***Shook v. LaFarre***

**San Mateo Superior Court**

CPM represented a family in a dispute about the estate of long time San Francisco resident Rudolph R. Cook. CPM alleged that the defendant Cyrus LaFarre, a neighbor of Mr. Cook's, had duped Mr. Cook into amending his estate plan and giving his money to Mr. LaFarre. After Mr. Cook passed away, the family learned that Mr. LaFarre claimed that he had been left the majority of Mr. Cook's estate and had been named as the trustee of Mr. Cook's trust. The amendment to Mr. Cook's long time estate plan purported to give most of Mr. Cook's \$2M estate to the defendant. The jury unanimously determined that Mr. LaFarre had committed financial elder abuse and breach of fiduciary duty.

***Richter et al. v. CC-Palo Alto, Inc.***

**USDC, Northern District of California**

CPM is pursuing a class action and creditor derivative case on behalf of the 500 residents of the Vi-Palo Alto, a Continuing Care Retirement Community (CCRC). Among CPM's clients (the proposed class representatives) are a retired Nobel Prize winner, doctor, World War II journalist and a unique collection of accomplished South Bay senior citizens. The facility is located on Stanford land. The lawsuit is believed to be the first of its kind in the Bay Area challenging a CCRC's financial practices. The complaint alleges that \$190 million dollars was "up-streamed" from the Palo Alto facility to its corporate parent in Chicago, thus leaving the senior citizen residents financially vulnerable. Those funds were to be returned to the senior citizens when they moved out, or returned to their families when they passed away. The complaint alleges that the Chicago company has refused to return the money to Palo Alto.

***Kofman v. Alexy Pitt et al.***

**San Mateo Superior Court**

On February 14, 2017 CPM obtained a \$1,295,579 dollar judgment on behalf of an elderly Bay Area resident who was the victim of financial elder abuse.

**EMPLOYMENT CASES**

***Shephard v. Lowe's HIW, Inc.***

**USDC Northern District of California**

Cotchett, Pitre & McCarthy, along with Block & Leviton filed a lawsuit against Lowe's HIW, Inc. ("Lowe's") on June 15, 2012 alleging that Lowe's misclassified all California installers as

independent contractors in violation of California law. The Honorable Jeffrey S. White granted Plaintiff's Motion for Class Certification in August 2013, certifying the class of California installers and appointing Block & Leviton and Cotchett, Pitre & McCarthy as class counsel. The Firms successfully achieved a \$6.5 million settlement on behalf of the class of California installers, which was preliminarily approved on June 25, 2014 and is awaiting final approval.

***Avery v. Integrated Healthcare Holdings, Inc.***

**Orange County Superior Court**

CPM served as co-lead counsel in a class action lawsuit filed against the IHHI chain of hospitals in Southern California. CPM represented registered nurses and respiratory therapists who were not paid overtime wages in accordance with state law. The case settled for \$14.5M in 2013, and the court granted final approval of the settlement in August 2014.

***Los Angeles Times / Zell***

**USDC, Northern District of Illinois**

CPM represents current and former journalists of the Los Angeles Times in a lawsuit filed against Sam Zell, the Tribune Company and others for a breach of their fiduciary duties, violating ERISA, improper valuation and misuse of employee pension fund assets and conflicts of interest. Other allegations include that Tribune Company employees, who technically own the company through the Tribune ESOP, have been and continue to be damaged by the go-private transaction and by the subsequent mismanagement and self-dealings of Tribune executives, including Sam Zell, the result of which has been to diminish the value and the products of the employee-owned company.

***Cynthia Sotelo, et al. v. MediaNews Group, Inc., et al.***

**Alameda County Superior Court**

CPM represented a class of Hispanic newspaper carriers whose labor is exploited by the ANG Newspaper Group, a conglomerate news-media company. The class seeks damages for violations of the California Labor Code and Unfair Competition Laws.

***In re: Wachovia Securities, LLC, Wage and Hour Litigation***

**USDC Central District of California**

CPM was designated co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits filed against Wachovia Securities, LLC, on behalf of more than 10,000 current and former stock brokers who were not paid in accordance with state and federal law.

***In re: AXA Wage and Hour Litigation***

**USDC Northern District of California**

CPM was appointed co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits filed against the AXA family of insurance companies on behalf of more than 7,000 current and former financial sales representatives who were not paid in accordance with state and federal law.

***Shrager v. Advanced Equities Inc. ("AEI") et al.***

**San Francisco County Superior Court**

CPM represented an employee of a broker dealer in state court litigation over harassment and compensation claims.

***Sullivan v. Advanced Equities Inc. (“AEI”)*****FINRA Arbitration**

CPM successfully represented an employee in FINRA arbitration. The FINRA panel found that the employer had falsely accused the employee of violations of company policy and had fraudulently induced the employee to join the company, and awarded both compensatory and punitive damages. This is one of many examples of cases CPM has handled before FINRA.

**PUBLIC INTEREST / HUMAN RIGHTS CASES*****Lawsuit Filed Regarding Confiscated Armenian Lands*****USDC, Central District of Los Angeles**

CPM filed a class action on behalf of Armenians seeking compensation for confiscated properties and belongings as a result of the Genocide of 1915-1923. The lawsuit targets the Central Bank of Turkey and the Ziraat Bank as financial instruments of the Turkish Government. Defendants are alleged to selling and deriving income from real estate and personal property that was owned by hundreds of thousands of Armenians who were killed during the Genocide.

***WWII Filipino Veterans Compensation******De Fernandez et al. v. US Dep’t of Veterans Affairs, et al.*****USDC, Northern District of California**

CPM filed a class action on behalf of United States WWII Filipino Veterans, and their service organizations, challenging decisions by the VA to deny benefits to such veterans according to criteria that are arbitrary, capricious and impossible to satisfy.

***State Buildings Litigation******Epstein et al. v. Schwarzenegger et al.*****San Francisco Superior Court**

CPM represented taxpayers against the Schwarzenegger Administration to stop the sale of California’s public buildings, which would have cost California’s taxpayers billions of dollars. CPM was successful in obtaining an emergency temporary stay of the sale from the Court of Appeal. While the stay was in place Governor Brown took office and cancel the sale.

***Surfrider Foundation v. Martins Beach 1 LLC et al.*****San Mateo Superior Court**

CPM successfully represented Surfrider Foundation to restore public access to Martin’s Beach. The Complaint alleged that the owners of Martin’s Beach, who purchased the property in 2008, unlawfully erected a barrier preventing access to Martin’s Beach road, without a permit required by the California Coastal Act.

**FIRST AMENDMENT CASES*****Sharper Image Corporation v. Consumers Union of United States*****USDC, Northern District of California**

CPM successfully defended under California’s Anti-SLAPP statute of product disparagement claim brought by Sharper Image relating to reviews of Sharper Image’s Ionic Breeze air cleaner published in Consumer Reports.

***Kendall-Jackson Winery v. E.J. Gallo Winery***

**USDC Northern District of California  
9<sup>th</sup> Circuit Court of Appeals (1998)  
150 F. 3d 1042**

CPM represented defendant in trade dress and unfair business practice litigation. (Judgment and verdict for defendant after jury trial).

***Isuzu Motors Ltd. v. Consumers Union of the United States, Inc.***

**USDC, Central District of California**

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against non-profit consumer testing organization. Jury verdict for Consumers Union after a two-month jury trial.

***Suzuki Motor Corp. Japan v. Consumers Union of the United States, Inc.***

**USDC, Central District of California**

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against nonprofit consumer testing organization. Summary judgment in favor of defendants was granted in May, 2000.

***In re Cable News Network and Time Magazine “Operation Tailwind” Litigation***

***Sheppard v. Cable News Network, Inc.***

**USDC, Northern District of California**

CPM represented Vietnam veterans against Time and CNN who falsely reported to have committed war crimes in Laos.

**PERSONAL INJURY CASES**

***San Bruno Pipeline Explosion***

**San Mateo County Superior Court**

CPM filed multiple actions on behalf of victims of the PG&E pipeline explosion which occurred in San Bruno. The natural gas-fed fire killed eight people and injured dozens more, and destroyed or damaged several dozen homes.

***Murillo, et al. v. National Railroad Passenger Corporation, et al.***

**Contra Costa County Superior Court**

CPM successfully represented the family of an elderly couple who were killed by an Amtrak train while their car was trapped at a dangerously designed grade railroad crossing in Crockett, California in an action against the National Railroad Passenger Corporation (“Amtrak”), Union Pacific Railroad Company and the State of California Department of Transportation.

***Manlapaz, et al. v. Bills Trucking, et al.***

**Santa Clara County Superior Court**

CPM represented the family of a woman who was killed after being crushed by a semi-truck with two dirt hauling trailers while she was crossing the street near a construction site in Mountain View, California.

***Gonzalez v. Oil Can Henry's International***  
**Monterey County Superior Court**

CPM successfully represented a four-year-old child who suffered brain damage after being struck and run over by a driver at an oil change service shop which failed to properly control vehicle and pedestrian safety in conjunction with its promotion of quick service.

***Balcony Collapse***

**San Francisco County Superior Court**

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996.

***In re MGM Grand Hotel Fire Litigation***

**570 F. Supp. 913 USDC, District of Nevada**

MDL consolidated litigation by personal injury wrongful death claims in the mammoth fire that destroyed the MGM Grand in Las Vegas, Nevada.

***Carnahan v. State of California***

**Fresno County Superior Court**

CPM filed an action against the State of California and more than 100 separate defendants on behalf of scores of individuals killed or injured in a severe dust storm on I-5 over the Thanksgiving weekend in 1991.

***Hyman v. Nahi***

**Orange Count Superior Court**

CPM represented victims of balcony collapse against landlord and termite company in a case involving slum landlord conditions.

***Walton v. Samuels***

**Los Angeles County Superior Court**

CPM filed an action for lung injury victims arising out of a four-alarm apartment fire in a major disaster in Los Angeles.

***Malhotra v. Nathan***

**San Francisco County Superior Court**

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996 in San Francisco.

***In re Diet Drug Litigation***

**Los Angeles County Superior Court**

***In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation***  
**USDC, Eastern Division of Pennsylvania**

CPM filed consumer fraud and product liability individual actions on behalf of approximately 100 individuals.

***Adleson v. United States***

**USDC, Northern District of California**

**523 F. Supp. 459 (1981)**

MDL actions for product liability of the Swine Flu Immunization Program out of Washington, D.C.

**INSURANCE CASES**

***Dupell v. Massachusetts General Life Ins. Co.***

**Santa Clara County Superior**

CPM filed “vanishing premium” class action on behalf of life insurance policyholders. Class certified for all purposes, 1999.

***Prop. 103 Litigation***

***Calfarm Ins. Co. v. Deukmejian***

**48 Cal. 3d 805 (1989)**

Litigation regarding Proposition 103 (rate controls on insurance carriers) on behalf of Public Citizen.

**INTELLECTUAL PROPERTY CASES**

***Kendall-Jackson Winery v. E&J Gallo Winery***

**USDC, Northern District of California**

**150 F. 3d 1042 (9th Cir. 1998)**

CPM represented defendant in trade dress and unfair business practice litigation. (Judgment and verdict for defendant after jury trial.)

***MP3.Com Copyright Cases***

**USDC, Southern District of New York**

CPM filed multiple cases alleging that MP3.Com committed copyright infringement. Issues of infringement and damages.

***Dolores Huerta et al v. Corbis Corporation***

**USDC, Northern District of California**

CPM represented defendant Huerta, muralists Susan Kelk Cervantes and Juana Alicia, and the United Farm Workers Union of America against Internet retailer Corbis for the illegal sale of copyrighted and trademarked images.

**WAGE AND HOUR CASES**

***Cynthia Sotelo, et al. v. MediaNews Group, Inc., et al.***

**Alameda County Superior Court**

CPM represented a class of Hispanic newspaper carriers whose labor is exploited by the ANG Newspaper Group, a conglomerate news-media company. The class seeks damages for violations of the California Labor Code and Unfair Competition Laws.

***In re: Wachovia Securities, LLC, Wage and Hour Litigation***  
**USDC, Central District of California**

CPM has been designated co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits against Wachovia Securities, LLC, on behalf of over 10,000 current and former stock brokers who were not paid in accordance with state and federal law.

***In re: AXA Wage and Hour Litigation***  
**USDC, Northern District of California**

CPM has been appointed co-Lead Plaintiffs' Counsel by a federal judge in a collection of lawsuits against the AXA family of insurance companies, on behalf of over 7,000 current and former financial sales representatives who were not paid in accordance with state and federal law.

***LaParne, et al. v. Monex, et al.***  
**USDC, Central District of California**

CPM represents current and former sales representatives in a federal lawsuit against Monex, a commodities trading company based in Southern California, for failure to pay overtime, failure to provide meal and rest breaks, and other violations of state and federal law.

**WRONGFUL DEATH CASES**

***Murillo, et al. v. National Railroad Passenger Corporation, et al.***  
**Contra Costa County Superior Court**

CPM successfully represented the family of an elderly couple who were killed by an Amtrak train while their car was trapped at a dangerously designed grade railroad crossing in Crockett, California in an action against the National Railroad Passenger Corporation ("Amtrak"), Union Pacific Railroad Company and the State of California Department of Transportation.

***Manlapaz, et al. v. Bills Trucking, et al.***  
**Santa Clara County Superior Court**

CPM represented the family of a woman who was killed after being crushed by a semi-truck with two dirt hauling trailers while she was crossing the street near a construction site in Mountain View, California.

***In re MGM Grand Hotel Fire Litigation***  
**570 F. Supp. 913 USDC, District of Nevada**

MDL consolidated litigation by personal injury wrongful death claims in the mammoth fire that destroyed the MGM Grand in Las Vegas, Nevada.

***Carnaham v. State of California***  
**Fresno County Superior Court**

CPM filed an action against the State of California and more than 100 separate defendants on behalf of scores of individuals killed or injured in a severe dust storm on I-5 over the Thanksgiving weekend in 1991.

***Hyman v. Nahi***

**Orange County Superior Court**

CPM represented victims of balcony collapse against landlord and termite company in a case involving slum landlord conditions.

***Malhotra v. Nathan***

**San Francisco County Superior Court**

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996 in San Francisco.

## OUR ATTORNEYS

### *PARTNERS*

#### JOSEPH W. COTCHETT

As stated by the National Law Journal, Joseph W. Cotchett is considered by plaintiffs and defense attorneys alike to be one of the foremost trial lawyers in the country. He has been named one of the 100 most influential lawyers in the nation for the past 15 years.

As reported in the San Francisco / Los Angeles Daily Journal, he is “considered one of the best trial strategists in the state” who built a career out of representing the underdog against powerful interests. He is a fearless litigator and once tried two cases at the same time (one in the morning and one in the afternoon) and won them both in San Diego Superior Court in 1984. His clients range from corporate giants to groups like Consumers Union – but the issue must be correct for Cotchett. In 2003, the San Francisco Chronicle rated him as one of the best in the Bay Area, saying, ***“The Burlingame attorney has had a star career that’s not only talked about in legal circles but has made headlines around the country. Known mostly as a plaintiffs’ lawyer, many of his cases are filed on behalf of fraud victims, and have a widows-and-orphan flavor to them.”*** Cotchett consistently has been named one of the most influential lawyers in California, and has been named by the legal press as one of the top 10 trial attorneys in the state and has been listed in every edition of Best Lawyers in America since its inception.

During his 45-plus year legal career, he has tried more than 100 cases to verdict, and settled hundreds more, winning numerous jury verdicts, ranging from multi-million dollar malicious prosecution jury verdicts to several defense verdicts in complex civil cases. He successfully negotiated a multi-million dollar settlement in a qui tam suit on behalf of the University of California and hundreds of millions of dollars in antitrust, securities and major fraud cases. In the 1980s, Cotchett won mammoth judgments and settlements for investors in white-collar fraud cases, with jury verdicts of more than \$200 million arising out of the collapse of the Technical Equities Corp. in San Jose. He is known nationally as the lead trial lawyer for 23,000 plaintiffs in the Lincoln Savings & Loan Association/American Continental Corp. downfall in 1990 involving Charles Keating and others. He won one of the then largest jury verdicts, \$3.3 billion. He obtained nearly \$300 million in settlements from lawyers, accountants and other professionals caught up in the scandal in a jury trial in Tucson, Arizona.

He has represented both the National Football League and teams since the early 1980s in various legal actions. As counsel for E. & J. Gallo Winery, he won a defense jury verdict in a celebrated trade dress infringement case involving a wine produced by Gallo and the firm regularly represents Gallo in numerous matters.

In recent years, Cotchett has taken on major corporate entities and Wall Street. He and the firm are involved in litigation resulting from nearly every major corporate scandal including Enron, Worldcom, Global Crossing, Homestore.com, Qwest, Montana Power Company, Lehman, Bank of America, Goldman Sachs and numerous others on behalf of private investors and public pensions. The firm has represented the California Public Employees’ Retirement System,

California State Teachers' Retirement System, and the University of California Board of Regents, along with numerous political subdivisions of the state, such as counties, cities and districts.

In 2000, he served as trial counsel for Consumers Union, successfully defending the watchdog consumer group in a product disparagement and defamation suit. Isuzu Motors of Japan had sued Consumers Union for disparagement to the 1995-96 Trooper, claiming millions in damages. Following an eight-week trial, a jury ruled in favor of Consumers Union. Trial Lawyers for Public Justice honored Cotchett as "Trial Lawyer of the Year Finalist" in 2000 in honor of his "outstanding contribution to the public interest" through his work for Consumers Union. Also in 2000, Consumer Attorneys of California gave Cotchett its "Presidential Award of Merit." In 2004, he was the lead trial counsel for Consumers Union in a product defamation suit. The suit was dismissed in what was considered a major victory for a free press and the First Amendment.

Cotchett is involved in extensive pro bono work. In one such case, he brought a lawsuit against the United States Navy on behalf of 8,600 Amerasian children in the Philippines who were left in villages after the closing of the Subic Bay Naval Base. The case ended in a settlement giving direct U.S. aid to the children fathered by U.S. servicemen and a television documentary on the subject. He regularly takes on pro bono causes including environmental and public policy matters and the firm represents and advises several Native American groups.

In 2002, Cotchett successfully represented the Chief Justice of the California Supreme Court and the individual judges and members of the Judicial Council, in litigation brought against them by the New York Stock Exchange and the National Association of Securities Dealers. The two Wall Street forces had filed suit against the Judicial Council challenging the State of California on establishing guidelines for arbitrators who hear complaints from investors in the state.

Cotchett received his B.S. in Engineering from California State Polytechnic University, San Luis Obispo in June 1960, being named an Outstanding Graduate, and his J.D. from Hastings College of Law at the University of California in June 1964. In June 2002, Cotchett received an Honorary Doctor of Laws from Cal Poly and The California State University Board of Trustees. In May 2006, Cotchett received an Honorary Doctor of Letters from Notre Dame de Namur University. In May 2011, Cotchett received an Honorary Doctor of Letters from the University of San Francisco. In each case, he was the graduation speaker honored by the Universities.

Following California Polytech, he served in the U.S. Army Intelligence Corps, followed by years as a Special Forces paratrooper and JAG Corps officer, in the active reserves, and retired in 1991 with the rank of Colonel. He is a member of many veteran and airborne associations having served on active duty 1960-1961. From 2001 to 2005, he served on the board of the Army War College Foundation in Carlisle, Pennsylvania. The Foundation supports the prestigious Army War College at Carlisle Barracks, the graduate school for the senior commanders of all branches of the service, including officers from foreign allies.

He has been an active member of national, state and local bar associations, including the California, New York and District of Columbia bars. He is a Fellow of the prestigious American College of Trial Lawyers and The International Society of Barristers and an Advocate in the American Board of Trial Advocates. He also is a Fellow and former board member of The International Academy

of Trial Lawyers. A former Master of the American Inns of Court, he serves on various advisory boards for professional organizations.

He also has served on the Advisory Board of the Witkin Institute, the mission of which is to further B.E. Witkin's commitment to advancing the understanding of California law and improving the administration of justice.

He is the author of numerous articles and a contributing author to numerous magazines. His books include California Products Liability Actions, Matthew Bender; California Courtroom Evidence, LexisNexis; Federal Courtroom Evidence, LexisNexis; Persuasive Opening Statements and Closing Arguments, California Continuing Education of the Bar (1988); The Ethics Gap, Parker & Son Publications (1991); California Courtroom Evidence Foundations, Parker Publications (1993); and numerous law review articles. He is a prolific author of op-ed pieces and articles on public policy, environmental issues and public integrity. In 2002, he co-authored and published the book *The Coast Time Forgot*, a historic guide to the San Mateo County coast.

Cotchett serves on the Federal Judicial Advisory Committee that submits and reviews federal judicial nominations in California to President Obama. The committee was authorized by the Obama Administration and California's two Democratic senators, Dianne Feinstein and Barbara Boxer. Cotchett is Chair of the Boxer Committee for the Central District of California (Los Angeles) and advises statewide. Cotchett also serves on a Judicial Advisory Committee to Governor Jerry Brown on state judicial appointments.

Cotchett has lectured at numerous law schools including Harvard Law School, the University of Southern California, Georgetown Law Center, Stanford, Boalt, and his alma mater U.C. Hastings. His subjects include complex cases, evidence, trial practice and professional ethics. He also is a keynote public speaker and lecturer on contemporary subjects of law.

He has been honored by the State Bar of California by serving on the Board of Governors from 1972 to 1975. Cotchett served on the California Judicial Council from 1976 to 1980; the Board of Directors, Hastings College of Law, University of California for twelve years; California Commission on the Future of the Courts; the California Select Committee on Judicial Retirement, the California Blue Ribbon Commission on Children in Foster, the latter three appointed by the Chief Justice of California.

His civic work includes past memberships on the board of directors of the San Mateo County Heart Association; San Mateo Boys & Girls Club (Past President); Peninsula Association of Retarded Children and Adults; Bay Meadows Foundation; Disability Rights Advocates; and numerous Bay Area organizations. He formerly served as a member of the board of Public Citizen in Washington, D.C. and served on the board of Earth Justice.

In 1996, he was awarded the Anti-Defamation League's Distinguished Jurisprudence Award. The award was established to recognize individuals in the legal community who have exhibited humanitarian concerns, and whose everyday actions exemplify the principals on which the Anti-Defamation League was founded.

In 1999, Cotchett was inducted by the State Bar of California to the Litigation Trial Lawyers Hall of Fame. This award is given to professionals who have excelled as trial lawyers and whose careers exemplify the highest values and professional attainment.

In 2000, the University of California, Hastings College of Law opened the Cotchett Center for Advocacy recognizing Cotchett as one of its outstanding graduates. Chief Justice Ronald M. George of the California Supreme Court and Associate Justice Anthony Kennedy of the U.S. Supreme Court honored Cotchett as speakers at the Founder's Day dedication of the center. In November of 2006, Notre Dame de Namur University in Belmont, California dedicated the Joseph W. Cotchett Business Lab for students.

In March of 2000, Cotchett was named to the California State Parks Commission by Governor Gray Davis. The commission establishes general policies for the guidance of the Parks Department in the administration, protection and development of the 260 state parks in the system. He served as Chairperson in 2002-2003.

In 2003, Cotchett was honored by Disability Rights Advocates for his nearly 40 years of civil rights work. At a San Francisco dinner in October attended by lawyers, judges and community leaders, this was how Cotchett was described:

*Joe Cotchett has been a champion for justice since his college days. As an engineering student in North Carolina, Joe challenged segregation by drinking from segregated water fountains and riding in the back of buses. Later, as a student at Cal Poly, in 1958 Joe successfully established the first integrated fraternity, which prompted the other fraternities on campus to follow suit. Joe's legal career has involved representing the underdog and doing extensive pro bono work. His civil rights commitment has been leveraged over and over by his financial support of legal fellowships. He has given a 'kick-start' to the public interest careers of the new law graduates at Trial Lawyers for Public Justice, Public Citizen, Southern Poverty Law Center and Disability Rights Advocates. Through these fellowships, Joe has helped to ensure social change through law. Joe guided DRA as a board and litigation committee member from its infancy years into the defender of disability rights it has become today.*

In 2004, continuing a distinguished history of community and civic involvement, Cotchett endowed a \$7 million fund to support science and mathematics teacher education at California State Polytechnic University to serve inner city and rural minority children. To honor Cotchett, the university renamed its landmark Clock Tower building the "Cotchett Education Building." The gift supports science and mathematics teacher education initiatives at Cal Poly through the University Center of Teacher Education and the College of Science and Mathematics.

In 2011, Cotchett was inducted into the prestigious American Trial Lawyer Hall of Fame for his work nationwide in civil rights, and litigation on behalf of the under-privileged in our society. In 2011, he received the Distinguished Service Award from the Judicial Council of California and named the Antitrust Lawyer of the Year by the State Bar. In April of 2011, he was honored by the California League of Conservation Voters with the Environmental Leadership Award and honored by the Consumer Watchdog with the Lifetime Achievement Award.

Cotchett and his family members are active in numerous Bay Area charitable organizations involving animals, children, women and minorities. They established the Cotchett Family Foundation that aids individuals and groups in need of assistance.

### **FRANK M. PITRE**

Frank M. Pitre, a San Francisco native, earned his B.S., Cum Laude, in Business Administration and his J.D. from the University of San Francisco. While at USF, Pitre served a legal externship with the California Supreme Court.

Considered as one of the outstanding trial lawyers in areas of personal injury/wrongful death, consumer fraud, mass torts and commercial torts, Mr. Pitre has won millions of dollars for victims of injustice.

His skill as a trial lawyer has earned him recognition among his peers who have elected him as a member of the prestigious American College of Trial Lawyers, American Board of Trial Advocates (Advocate), International Academy of Trial Lawyers, International Society of Barristers, and the National Board of Trial Advocacy. In 2018, he was honored by Consumer Watchdog with its Lifetime Achievement Award for his successful advocacy on behalf of consumers over more than three decades.

Since January 2018, he has served as Co-Lead Counsel on behalf of the victims of the North Bay Wild Fires to prosecute claims against PG&E for its mismanagement of electrical operations leading to 43 deaths, 100,000 people displaced, over 245,000 acres burned and more than 14,700 homes and structures destroyed. *In Re: California North Bay Fire Cases, JCCP Action No. 4955*. Concurrently, he served as a member of the Plaintiffs Executive Committee in statewide mass tort actions prosecuted against PG&E arising out of the Butte Wildfire. *In Re: Butte Fire Cases, JCCP Action No. 4853*.

Prior to that, he acted as Co-Lead Counsel, and secured one of the top 10 largest Shareholder Derivative Settlements in U.S. history against Officers and Directors of PG&E arising out of the San Bruno Fire & Explosion. *Salman, et al. v. Darbee, et al., JCCP Action No. 4648*.

He was selected by Federal District Court Judge Charles R. Breyer as one of twenty lawyers, among 150 attorney applicants nationwide, to serve as a member of the Plaintiffs Steering Committee to prosecute claims on behalf of a nationwide class of consumers against Volkswagen, Porsche and Audi over their diesel emissions scandal. The cases were pending in the Northern District of California in *MDL 2672: In Re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*.

Mr. Pitre presently serves as one of ten members of the Plaintiffs Executive Committee selected by Federal District Court Judge Jesse Furman to lead litigation pending in the Southern District of New York on behalf of a nationwide class of consumers against General Motors for safety related defects in over 27 million vehicles. The cases are currently pending in *MDL 2543: In Re General Motors Ignition Switch Litigation*.

Mr. Pitre also serves as a member of the Plaintiffs Executive Committee in the prosecution of cases against Boeing arising from the Ethiopian Airlines crash of a 737 Max 8 in Addis Ababa on March 10, 2019, which killed 149 passengers and 8 crew members. *19-cv-02170: In Re Ethiopian Airlines Flight ET 302 Crash*. He also serves as a member of The Plaintiffs Steering Committee in claims on behalf of numerous victims who lost their homes and loved ones in the Thomas/Woolsey Wildfires in Southern California. *JCCP Action No. 4965: In Re Southern California Fire Cases*. In addition, he serves as a member of The Steering Committee in the prosecution of over 1,400 clients against So. Cal Gas arising out of the Porter Ranch gas storage facility failure. *In Re: Southern California Gas Leak Cases, JCCP Action No. 4861*.

Mr. Pitre served as Plaintiffs' Liaison Counsel spearheading the coordination of dozens of cases filed on behalf of injured passengers against Asiana Airlines and Boeing, arising from the crash of Asiana Airlines Flight 214 in San Francisco on July 6, 2013. *In Re: Air Crash At San Francisco, California On July 6, 2013*.

In November 2013, Mr. Pitre was honored by the Consumer Attorneys of California as Consumer Attorney of the Year for his efforts in coordinating, prosecuting and resolving over 200 claims of injury, death and property destruction against PG&E. *In Re: San Bruno Fire Cases: JCCP Action No. 4648*.

Earlier that same year, Mr. Pitre served as Co-Lead Counsel for Economic Loss Class Plaintiffs in the Toyota Unintended Acceleration Marketing & Sales Practices Cases which successfully resulted in securing final approval of a \$1.5 billion settlement on behalf of class members. *In Re: Toyota Unintended Acceleration Marketing Sales Practices & Product Liability Litigation, MDL 2151JVS*.

In 2011, Mr. Pitre recovered the largest individual wrongful death verdict in San Diego County history, when a jury awarded \$17.4 million to the wife and three children of a high ranking U.S. Naval Officer who was killed while riding his bike in a collision with an American Medical Response transport van. *Mazurek, et al. v. American Medical Response, et al., San Diego Superior Court Action No. 10-83975 May 20, 2011*. As a result, he was named a finalist for the 2011 Trial Lawyer of the Year by the Consumer Attorneys of California.

In 2009, Mr. Pitre was recognized by the National Law Journal's "Plaintiff's Hot List" for his work as co-lead trial counsel in the *In Re: Bextra and Celebrex Mktg., Sales Practices & Product Liability Litigation (MDL 1699)*, which culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its painkillers Bextra & Celebrex. In 2006, Mr. Pitre obtained one of the largest verdicts in Sutter County history when he obtained over \$45 million on behalf on an elderly minority shareholder who had been frozen out of participation in a lucrative family timber harvesting business. *Siller v. Siller, Sutter County Superior Court Action No. CVCS01-1083*.

Mr. Pitre served as liaison counsel and a member of the Plaintiffs Steering Committee in the Alaska Air Flight 261 air crash. In addition, he was a member of the Plaintiffs Executive Committee arising out of the Singapore Airlines Flight 006 air crash in Taiwan. Immediately prior to his committee appointments in *Alaska Air* and *Singapore Airlines*, he served as a

member of the Plaintiffs Management Committee in the *California Diet Drug Litigation*, where thousands of individuals were victimized by the diet pill combination Fen-Phen, which was condemned by the FDA for causing adverse health effects.

Mr. Pitre's numerous jury trials include a multi-million-dollar wrongful death verdict in Orange County Superior Court in Santa Ana, California, against the State Department of Transportation, a highway contractor, and a trucking company. The verdict, one of the then-largest of its kind for Orange County, was affirmed on appeal, and as a result Pitre was a finalist for CAOC's Trial Lawyer of the Year award (2004).

Mr. Pitre served as co-lead trial counsel for Consumers Union, obtaining a defense verdict in favor of Consumers Union in a product disparagement case where the plaintiff, Isuzu Motors of Japan, sought damages of multi-million dollars. His work in defense of Consumers Union earned him recognition as a finalist for the 2000 Trial Lawyer of the Year Award.

Mr. Pitre won a multi-million-dollar verdict for the victims of a high profile San Francisco balcony collapse. He also secured a significant verdict for compensatory and punitive damages before a San Francisco jury which found the defendant to have wrongfully deprived the plaintiff of her partnership interest in a successful business. In addition, he served as co-lead trial counsel with Joseph W. Cotchett for E. & J. Gallo, winning a landmark trade dress infringement case for the winery.

Mr. Pitre's notable federal class action cases include *Livingston v. Toyota Motor Sales USA, Inc.*, involving a nationwide antitrust class action under the Sherman Act by purchasers of more than three million Toyota vehicles. Mr. Pitre's experience in mass tort cases began in 1987 with the *PSA Air Crash Cases*, representing numerous plaintiffs in wrongful death actions following the crash of PSA Flight 1771; he served as a member of the Plaintiffs Steering Committee, and later as plaintiffs co-lead trial counsel for the six-week jury trial which established the defendants' liability. The success of the *PSA Air Crash Cases* led to his appointment as a member of the Plaintiffs Steering Committee in *Carnahan et al. v. State of California*, which successfully resolved hundreds of claims for personal injuries and damages against more than 100 defendants.

Mr. Pitre is a past president of Consumer Attorneys of California (CAOC), the 3,000-member group of lawyers dedicated to protecting and seeking justice for consumers. He has also served as a past president of the San Francisco Chapter of ABOTA, and presently serves as Treasurer of Cal-ABOTA.

Mr. Pitre is the author of numerous articles, including "Abuse of Process," California Tort Damages, California Continuing Education of the Bar, 1988; and "Tort Trends," The Docket, San Mateo County Bar Association, 1989-1994. He is co-author of "Jury Instructions: A Practical Approach to their Use," Civil Litigation Reporter, March, 1984; "Arguing Punitive Damages," Civil Litigation Reporter, California Continuing Education of the Bar, 1991; "Effective Opening Statements," California Litigation, Journal of The Litigation Section, California State Bar, 1991; "Jury Trial Tips: Witnesses," California Litigation, Journal of The Litigation Section, California State Bar, 1991; and "Winning Through a More Effective Direct

Examination,” California Litigation, Journal of the Litigation Section, California State Bar, 1991. Since 1998, he has served as the author of “California Personal Injury Proof,” published by the California Continuing Education of the Bar.

Mr. Pitre has served on the faculty of the Hastings College of Advocacy and the University of San Francisco Trial Advocacy Program. He also has served as the Co-Chair and presenter at several Masters In Trial programs sponsored by the ABOTA Foundation.

### **NIAL P. McCARTHY**

Niall P. McCarthy, a partner at Cotchett, Pitre & McCarthy, LLP, is a graduate of the University of California at Davis and Santa Clara University School of Law. He has practiced with the firm since 1992.

McCarthy has repeatedly been selected as one of the top plaintiff attorneys in California and the United States by multiple publications, including the Daily Journal, the National Law Journal, Lawdragon Magazine and Super Lawyers Magazine. He has received a California Lawyer Magazine Attorney of the Year (CLAY) Award. From 2004 to 2014 he was selected as a Northern California “Super Lawyer” by San Francisco Magazine. McCarthy has been named a Top 100 attorney by the Daily Journal and Super Lawyers Magazine. He has the highest possible rating, AV, from Martindale-Hubbell. In 2013, McCarthy was awarded the Trial Lawyer of the Year Award by the San Mateo County Trial Lawyers Association. He has also been elected to the American Board of Trial Advocates (ABOTA).

McCarthy has represented qui tam Relators in False Claims Act cases in state and federal courts. McCarthy handled the Hunter Laboratories Litigation in which he negotiated the then largest False Claims recovery in California history, \$301 million. In the mid 1990s, he was the lead attorney in a groundbreaking case brought under the California False Claims Act on behalf of the University of California San Francisco with respect to direct and overhead costs to the university. McCarthy has extensive experience pursuing false claims cases arising out of health care fraud and other industries against the government. He coauthored the articles “Qui Tam Litigation, A Primer for the General Litigator,” “Answering the Call: Attacking Healthcare Fraud with the False Claims Act,” “Recent Developments in False Claims and Healthcare Litigation,” and “False Claims Act Fundamentals.” He has worked with the Department of Justice and Attorneys General offices throughout the United States on False Claims cases.

McCarthy has handled many consumer fraud class actions. He has acted as Co-Lead National Class Counsel in actions against some of the largest banks and credit card companies in the country, which returned hundreds of millions of dollars to consumers. He is the author of “Home Equity Loss in California Through Predatory Lending,” “Combating Predatory Lending in California,” and has spoken in many forums on consumer fraud.

McCarthy also has practiced extensively in the area of elder abuse, including obtaining multi-million dollar recoveries on behalf of senior citizens in actions involving reverse mortgages. He has been retained by San Mateo County, Santa Clara County, Alameda County and Santa Cruz County to prosecute financial elder abuse cases. In addition, he has handled many notable cases against nursing homes, including well-publicized actions for the families of three victims who died

at a San Mateo County nursing home during a heat wave, and an action on behalf of a developmentally disabled person who was severely burned while left unattended in a nursing home shower.

He authored “The Elder Abuse Statute: California’s Underutilized Law,” “Elder Abuse: Recent Legal and Legislative Developments,” “Financial Elder Abuse in Real Estate Transactions Under the 2000 Revisions to the Elder Abuse Act” and “Elder Abuse Claims Not Subject to MICRA.” He is a frequent speaker on elder abuse and has been featured in California Lawyer with respect to his work for seniors.

McCarthy has received many legal service awards including the Marvin Lewis Award for the Consumer Attorneys of California for guidance, loyalty and dedication, the William Nagle, Jr. Memorial Award from the San Mateo County Bar Association for innovations in the law and for professionalism, the Community Service Award from Santa Clara University School of Law for his work on behalf of consumers, the Bar Association of San Francisco’s Award of Merit, the Access to Justice Award from the Lawyer’s Club of San Francisco, the California Supreme Court Chief Justice’s Award for Exemplary Service and Leadership, the Stanley Mosk Defender of Justice Award and the State Bar of California Presidential Award for Access to Justice.

McCarthy’s other notable cases include compelling an insurance company to pay for a lifesaving bone marrow transplant for a cancer patient, and obtaining a punitive damage jury verdict in a case which unveiled a multi-state health insurance fraud. McCarthy obtained a defense award on a multi-million dollar fraud claim against his clients, and obtained a million-dollar recovery for the same clients on a cross-complaint in a year-long arbitration arising out of a failed healthcare industry merger. As co-lead counsel, he tried an action on behalf of the victims of a balcony collapse in San Francisco which resulted in a \$12 million verdict. He served as lead class counsel obtaining a \$15 million dollar verdict against Old Republic Title Co. after a trial in San Francisco Superior Court. He also obtained a substantial verdict against the government in a high profile FTCA case after a trial in federal court. He obtained a punitive damage jury verdict after trying an elder abuse case against a nursing home. In 2014, he won a unanimous jury verdict in a hotly contested financial elder abuse trial involving the misappropriation of a senior citizen’s life savings. McCarthy has tried a variety of cases in state and federal court, including class actions. He has also won multiple FINRA arbitrations.

McCarthy is a past president of the Consumer Attorneys of California and the San Mateo County Trial Lawyers. He was chairman of the Business Litigation Section of the San Mateo County Bar Association. He is currently a co-chair of the Open Courts Coalition, a diverse group of attorneys from all practice areas in California whose goal is to restore court funding. McCarthy has been an MCLE panelist on many topics including courtroom conduct, complex litigation, financial fraud, financial and physical elder abuse, the fundamentals of business litigation, Business and Professions Code 17200, predatory lending, qui tam actions, discovery for trial, trial of class actions, the Consumer Legal Remedies Act and taking effective depositions. He also is active in various Peninsula community activities, including having served as chairman of the Board of Directors of Community Gatepath, a nonprofit organization which benefits children and adults with disabilities. McCarthy received ABC 7/KGO TV’s “Profiles of Excellence” Award for his work on behalf of Community Gatepath.

### **JUSTIN T. BERGER**

Justin T. Berger is a partner at Cotchett, Pitre & McCarthy, where he focuses on false claims act litigation, consumer protection, financial elder abuse, employment law, and other complex civil litigation.

Berger has been recognized as one of the top young litigators in California. In 2012, Justin was included in The Recorder's "Lawyers on the Fast Track," as one of the top 50 attorneys in California with less than 10 years of practice. Also in 2012, Berger received a California Lawyer Magazine Attorney of the Year (CLAY) Award, along with Niall McCarthy. From 2009 to 2012, Justin has been selected as a Northern California "Rising Star" by Northern California Super Lawyers and San Francisco Magazine. In 2008, Berger was selected as a finalist for the 2008 Consumer Attorney of the Year Award by the Consumer Attorneys of California, for his work on *Komarova v. National Credit Acceptance*. In 2011, Berger was again selected as a finalist for Consumer Attorney of the Year along with Niall McCarthy, for their work in recovering a record \$300 million on behalf of the State of California in a case brought under the California False Claims Act.

Berger received his Bachelor of Arts from Yale University, graduating Cum Laude, with Honors in the Major. He received his J.D. from the University of California, Berkeley School of Law (Boalt Hall). At Boalt, Justin was a member of the California Law Review and the LAS-ELC Workers' Rights Clinic. In addition, through Boalt's International Human Rights Law Clinic, Justin served on the trial team that successfully prosecuted the case *Yean and Bosico v. Dominican Republic* before the Inter-American Court of Human Rights.

Following law school, Justin clerked for U.S. District Court Judge Susan Illston of the Northern District of California.

Prior to law school, Berger served for two years as a United States Peace Corps Volunteer in Ecuador. Berger also served for a year as an AmeriCorps VISTA volunteer at Casa Cornelia Law Center, a non-profit immigration law firm in San Diego. Berger is fluent in Spanish.

Berger is the President of the San Mateo County Barristers, and is active in the Northern California Peace Corps Association. Berger is a member of the San Mateo County Bar Association, Consumer Attorneys of California, American Business Trial Lawyers, and the San Mateo County Trial Lawyers Association.

### **MARK C. MOLUMPHY**

Mark C. Molumphy, a partner at Cotchett, Pitre & McCarthy, is native of the Bay Area, born in San Mateo, California. Mr. Molumphy joined Cotchett, Pitre & McCarthy in 1993, practicing civil litigation with an emphasis on complex business disputes, corporate governance, securities, antitrust, insurance bad faith, and products liability.

Mr. Molumphy was recently named one of the Top 100 Attorneys in California in 2020 by the Daily Journal, and has been widely honored for his legal, pro bono and volunteer work, including

the Community Service Award by the Jack Berman Advocacy Center of the American Jewish Congress for his work on the landmark 101 California Shooting Litigation.

Molumphy's experience in corporate governance litigation is extensive, including *Smith v. Merrill Lynch* (Orange County Bond Litigation), *Estate of Jim Garrison v. Warner Bros. Inc.*, *Campbell v. Acclaim Entertainment, Inc.*, *In re Pilgrim Securities Litigation* and the Central Bank Litigation. Mr. Molumphy served as lead counsel in the groundbreaking Apple stock option backdating litigation after executives were caught post-dating their option grants to maximize profits, the Informix securities litigation involving the restatement of revenues in excess of \$300 million, and on the Sybase, CBT, Rational Software, and HP derivative cases, resulting in millions of dollars recovered for the companies and their shareholders. Mr. Molumphy also negotiated multi-million-dollar settlements on behalf of former shareholders of Bay Meadows Race Track and mutual fund shareholders of Janus.

He served as lead counsel for a nationwide class of elderly investors of Medical Capital, successfully convinced the federal court to reject an SEC-brokered settlement that would have paid back pennies on the dollar and, on the eve of trial, secured the largest Ponzi-scheme recovery in California history. Mr. Molumphy represented numerous cities and counties in California related to their investment losses in Lehman Brothers, Washington Mutual and AIG, amongst others.

Mr. Molumphy, along with partner Frank Pitre, served as co-lead counsel on behalf of PG&E shareholders in derivative litigation arising out of the San Bruno gas explosion and fire. After years of litigation, Mr. Molumphy helped defeat motions to dismiss the case based on a litany of affirmative defenses, established theories of liability based on the D&O's breach of fiduciary duties of oversight and disclosure, and helped negotiate one of the largest settlements in history, including both a substantial monetary recovery and implementation of novel governance reforms (many still at issue in this case).

Mr. Molumphy is currently co-lead counsel in several derivative actions against California companies, including *In re Uber Technologies Inc. Securities Litigation* (San Francisco Sup. Ct.) CGC 19-579544 – relating to its initial public offering – and *Won v. The We Company, et al. (WeWork)* (San Francisco Sup. Ct.) CGC 19-581021 – relating to WeWork's multi-billion dollar failed initial public offering. Molumphy is also counsel in other high-stakes actions involving corporate governance failures by California companies, including *In re Zoom Video Communications Inc. Privacy Litigation*, Master File No. 5:20-cv-02155-LHK and *In re Robinhood Financial Services Litigation*, No. 3:20-cv-01626-JD (N.D. Cal.). During the last two years, Mr. Molumphy also obtained a slew of significant recoveries in California relating to corporate governance breakdowns related to risk management and disclosure obligations to customers and shareholders.

For example, in *In re Apple Inc. Device Performance Litigation*, Mr. Molumphy served as co-lead counsel in a massive, nationwide class action alleging that Apple caused iPhone customers to install an operating system software update that secretly slowed down or "throttled" the performance of their iPhones. Mr. Molumphy coordinated the review of millions of documents and depositions of Apple employees and the action was settled in early 2020. In May 2020,

Judge Davila preliminary approved the settlement by which Apple will pay at least \$310 million and up to \$500 million to Apple iPhone consumers, and a final approval hearing is set in December 2020.

In *In re Yahoo! Inc. Shareholder Litigation*, Mr. Molumphy served as co-lead counsel and successfully negotiated a \$29 million settlement in 2019, the first ever monetary recovery obtained in a shareholder derivative action based on the failure to detect and disclose data breaches. The action followed the two largest security breaches in United States history, impacting literally billions of users of Yahoo's computer network, but not revealed to the public until years later and just prior to Yahoo's merger with Verizon. After a full-blown evidentiary hearing on a motion for preliminary injunction, the Santa Clara Superior Court required amendments to the proxy and, shortly thereafter, defendants settled the derivative claims for \$29 million.

In *Chicago Laborers Pension Fund, et al. v. Alibaba Group Holding Limited*, Mr. Molumphy served as co-lead counsel for a class of investors in Alibaba's \$25 billion initial public offering, the largest in United States history. Based in China, Alibaba has become an e-commerce platform and one of the biggest corporations in the world. However, after deciding to go public using the United States financial markets, Alibaba failed to disclose that it was meeting with China's regulators just weeks prior to its initial public offering and told to reforms its platforms because products sold on Alibaba websites were fake or infringed trademarks. The action was brought in San Mateo Superior Court, where Alibaba maintained its US headquarters. In May 2019, after extensive motion practice and multi-national discovery, including depositions of Alibaba employees based in China, the Court approved a \$75 million settlement for the class, one of the largest IPO settlements in California history.

In *In re LendingClub Securities Litigation*, Mr. Molumphy was co-lead counsel in a class action for shareholders of LendingClub, a San Francisco company that developed an online, peer-to-peer lending platform. However, LendingClub failed to disclose internal issues the company was having with its data security and failed to obtain consent to information-sharing policy as required by law. The case was one of the first to pursue claims based on online marketplace lenders and the types of disclosures necessary for consumers to make informed choices about loan offers. Mr. Molumphy successfully fought back efforts to stay the action, won a motion to certify the class in California state court, and then coordinated efforts with a related class action filed in the Northern District of California, before District Judge William Alsup. After the state and federal parties participated in coordinated discovery and settlement negotiations, the federal and state actions ultimately settled for \$125 million in 2018, and the settlement was approved by both the federal and California state courts.

Mr. Molumphy is also counsel for *Earth Island Institute v. Crystal Geyser Water Company, et al.*, a first-of-its kind environmental action against the nation's largest plastic bottlers – including Coca-Cola, PepsiCo and Nestle – seeking to hold them accountable under California public nuisance law for the impact of their products' plastic pollution on California's waterways and coasts.

Mr. Molumphy is active in community affairs and served for years on the Board of Directors and as a volunteer for the Legal Aid Society of San Mateo County, which provides free legal services to low-income children, families and seniors. The Parca Auxiliary also honored Mr. Molumphy and Cotchett, Pitre & McCarthy with “Parca’s Angel Award,” in recognition of the law firm’s contributions to Parca Organization, a private nonprofit association that serves people with developmental disabilities and their families in the Bay Area.

### **PAUL N. “PETE” McCLOSKEY**

Paul N. “Pete” McCloskey, Jr., a principal at Cotchett, Pitre & McCarthy, is considered to be one of the country’s great trial lawyers, as well as a great public servant and war hero.

A renowned attorney who has tried over 100 jury trials, McCloskey began his law career as Deputy District Attorney for Alameda County, and then as the founding partner in the law firm of McCloskey, Wilson & Mosher, which evolved into the firm of Wilson, Sonsini, Goodrich & Rosati.

During his law career, McCloskey served as President of the Palo Alto Bar Association, President of the Conference of Barristers of the State Bar of California and as a Trustee of the Santa Clara Bar Association.

McCloskey received his B.A. from Stanford University and his J.D. from Stanford Law School. He has written four books and has taught legal ethics and political science at Stanford and Santa Clara Universities. His books include: Guide to Professional Conduct for New Practitioners, California State Bar (1961); The U.S. Constitution, BRL (1961); Truth and Untruth: Political Deceit in America, Simon & Shuster (1971); and The Taking of Hill 610, Eaglet Books (1992), describing his service in Korea.

Following Stanford University, he joined the Marine Corps as an officer and served in the Korean War. While in the Marine Corps section, McCloskey commanded a reserve rifle company at San Bruno, California from 1953 to 1960. A recipient of the Navy Cross for extraordinary heroism, the Silver Star for bravery in combat and two Purple Hearts, McCloskey was a platoon leader and company commander. He retired from the Reserve with a rank of Colonel.

McCloskey served from 1967 to 1983 in the U.S. House of Representatives and was re-elected seven times representing the San Francisco Peninsula and Silicon Valley. He served six years as Congressional Delegate to the International Whaling Conference, and as Congressional Advisor to the Law of the Sea Treaty Delegation. An ardent environmentalist, he was co-chair of the first Earth Day in 1970 with Senator Gaylord Nelson. In 1972, he ran for President on an anti-Vietnam War platform against Richard Nixon. One of McCloskey’s enduring legacies is his co-authorship of the 1973 Endangered Species Act. After serving in Congress for 15 years, McCloskey returned to private practice, taking on tough complex cases.

He has served as a Trustee for the Monterey Institute of International Studies, the Population Action Institute, and the U.S. Marine Corps Academy in Harlingen, Texas. Appointed by President

George H. W. Bush and elected its first chairman, McCloskey served on the U.S. Commission on National and Community Service from 1990 to 1992.

McCloskey served on the Advisory Council to the American Land Conservancy. He has been at the forefront in helping Afghanistan and Iraq war veterans receive college educations upon their return from duty. He serves on the Board of Advisors of The Fund for Veterans' Education.

A film was done on the life and times of Pete McCloskey entitled, American Maverick. The film is narrated by the late Paul Newman who said, "Pete McCloskey has spent his life fighting for peace" and "without doubt he will always be leading from the front."

### **BRIAN DANITZ**

Brian Danitz is a partner at Cotchett, Pitre & McCarthy, LLP. Brian has substantial experience representing clients in state and federal litigation, arbitration, internal investigations, and government investigations, involving consumer class actions, commercial disputes, corporate and securities fraud, shareholder litigation, antitrust actions, and employee whistleblower complaints. His practice includes all aspects of civil litigation in state and federal courts, in matters involving complex issues including allegations of securities law violations, shareholder disputes including involving breach of fiduciary duty and corporate governance, trade secret violations, and commercial disputes.

Brian has provided commentary on consumer rights issues, has appeared on local as well as national news broadcasts, and has appeared as a speaker and panelist in MCLE presentations, most recently at the Consumer Attorneys of California (CAOC) Donald L. Galine Sonoma Seminar. Brian is actively involved in the California and Bay Area legal communities, and currently serves as a member of the State Bar of California's 2021 Commission on Judicial Nominees Evaluation.

Prior to joining CPM, Brian worked at a large law firm in Silicon Valley, representing clients in commercial litigation, securities litigation, and government enforcement matters.

Prior to becoming a lawyer, Brian was a documentary filmmaker and producer of new media. Brian was the cinematographer for the Oscar-winning documentary Bowling for Columbine, Oscar-nominated film Sound and Fury, and Emmy Award winner TV Nation, and directed Ecological Design: Inventing the Future, Objects and Memory, and N is for Nuclear, among other films.

Brian received his J.D. from Fordham University School of Law, cum laude, where he was the Symposium Editor of the Fordham Intellectual Property, Media and Entertainment Law Journal. Brian received B.F.A. and M.P.S. degrees from New York University.

### **KARIN SWOPE**

Karin Swope is a Partner with Cotchett, Pitre & McCarthy, LLP's where she represents clients in consumer protection law, antitrust and securities litigation, environmental actions, privacy litigation and intellectual property counseling. Karin has represented clients for over 20 years in proceedings in state and federal courts across the country, as well as before the USPTO. She

helped consumers fight against unfair and deceptive practices, and has helped to change consumer protection law in the process. She has been appointed as co-lead counsel and to steering committees in antitrust and consumer cases, including cases against Apple and Intelius. She has represented companies and sovereign nations in protecting their intellectual property rights. She has protected the retirement funds of employees whose employers had breached their fiduciary duties in violation of ERISA, in cases against Washington Mutual, State Street Bank and Regions Financial Corporation, among others. She has also represented shareholders in complex securities litigation, including disputes involving breach of fiduciary duty.

Since 2008, Karin has served as an Adjunct Professor at Seattle University School of law, where she has taught the Intellectual Property Art Law Clinic. She is currently serving as President of the board of the Intellectual Property Section of the Washington State Bar Association and is a member of the Western Washington Federal Bar Association Local Rules Committee. She has presented and/or co-chaired numerous CLE's on topics ranging from E-Discovery practices to Intellectual Property.

Following her graduation from Columbia Law School, Karin served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington, and as a law clerk to the Honorable Robert E. Cowen of the U.S. Court of Appeals, Third Circuit.

### **ROBERT B. HUTCHINSON**

Robert Hutchinson heads up the Cotchett, Pitre & McCarthy Los Angeles office. Mr. Hutchinson is a veteran trial lawyer having tried over 30 jury trials in Federal and State courts and numerous complex arbitrations and court trials. In 2000 he won a \$ 4.9 million verdict for a client who lost his right leg above the knee, believed to be the largest verdict to that time for that type of injury in the State of California.

Mr. Hutchinson successfully argued the case of Vanhorn v. Torti (2008) 45 Cal 4th 322 before the California Supreme Court and secured a multi-million dollar settlement for client.

Mr. Hutchinson specializes in Personal Injury trial practice, emphasis in product liability, Consumer Protection, Securities Fraud and Consumer Class Actions.

### **NANCI E. NISHIMURA**

Nanci E. Nishimura is a partner at Cotchett, Pitre & McCarthy, LLP where she practices civil litigation focusing on antitrust, business litigation and consumer class actions. Ms. Nishimura received a B.A. in Psychology and M.A. in International Relations from the University of Southern California. Following a career in the United States and Japan as a business development and marketing consultant, she received her J.D. from the Columbus School of Law at the Catholic University in Washington, D.C. She worked at the Overseas Private Investment Corporation, the International Trade Commission and served as a Legislative Analyst to Senator Daniel Inouye.

Ms. Nishimura's experience in civil and criminal appellate litigation includes First and Fourth Amendment and civil rights. She wrote the brief on the merits and appeared before the United States Supreme Court in *Hanlon v. Berger*, 526 U.S. 808 (1999). She co-authored, "An Invasion of Privacy: The Media's Involvement in Law Enforcement Activities," 19 Loy. L.A. Ent. L.J. 313 (1999). Published cases, among others, include *Berger v. CNN Inc.*, 188 F.3d 1155 (9th Cir. 1999); *Ayeni v. Mottola*, 35 F.3d 680 (2d Cir. 1994), cert. denied, 514 US 1062 (1995), aff'g *Ayeni v. CBS Inc.*, 848 F. Supp. 362 (E.D.N.Y. 1994); *Brunette v. Humane Society of Ventura County*, 294 F.3d 1205 (9th Cir. 2002); *Aquila, Inc. v. Superior Court*, 148 Cal. App. 4th 556 (2007); *Regents of University of California v. Superior Court*, 165 Cal. App. 4th 672 (2008).

She was appointed by Governor Jerry Brown to the 11 member Commission on Judicial Performance (2011-2015); formerly served on the State Bar Judicial Nominees Evaluation Commission (JNE) for the 2005-2008 term; on the Board of Governors and first Vice President for the California Women Lawyers (District 3). She is also a member of the San Mateo and Los Angeles County Bar Associations, Consumer Attorneys of California, Association of Trial Lawyers of America, and the American Bar Foundation. She is a frequent lecturer for California Women Lawyers, and past member of the LACBA Litigation Section Trial Practice Inn of Court.

Ms. Nishimura is on the Board of Trustees of the California Science Center Foundation, a joint state-private facility created to promote science education throughout California, and past president of the Board of Directors of The MUSES of the California Science Center Foundation. She is a frequent speaker to promote science and math education in California. In addition, she is on the Board of Trustees of the Asian Art Museum in San Francisco; the Rotary Club of San Mateo; and the creator of Storytime for Children with Abby Rabbit, an interactive reading and development program for children.

### **ANNE MARIE MURPHY**

Anne Marie Murphy is a partner at Cotchett, Pitre & McCarthy LLP, where she practices civil litigation focusing on complex commercial litigation, class actions, consumers' rights and elder abuse (including both financial abuse and nursing home abuse).

Ms. Murphy received her Bachelor of Arts in Science & Technology from Vassar College. She received her J.D. from the Georgetown University Law Center. While attending Georgetown, she worked as a Legislative Assistant in the U.S. Senate.

After graduating from law school, she practiced law in San Francisco, handling a caseload ranging from complex commercial litigation to regulatory approvals of mergers and acquisitions of regulated utilities. She also worked on a pro bono basis for the AIDS Legal Referral Panel.

In *Komarova v. National Credit Acceptance, Inc.* Ms. Murphy, along with Justin T. Berger of Cotchett, Pitre & McCarthy LLP, obtained a jury verdict against a credit card collection agency following a two week trial in January 2008. The jury found for the plaintiff both on her intentional infliction of emotional distress and California Fair Debt Collection Practices Act claims, resulting in both a compensatory and punitive damages award. On appeal, several important issues of first impression were decided in the Plaintiff's favor, as reflected in the published decision: *Komarova v. National Credit Acceptance, Inc.*, 175 Cal. App. 4th 324 (Cal. App. 1st Dist. 2009).

Ms. Murphy has practiced extensively in the area of elder abuse, handling many notable cases against nursing homes. Ms. Murphy has also acted as co-lead counsel in a number of consumer class actions which have returned millions of dollars to consumers across the country. Ms. Murphy has tried a number of cases to verdict.

Ms. Murphy is a member of Consumer Attorneys of California, the American Association for Justice, the San Mateo County Bar Association, the San Mateo Trial Lawyers Association, and is a lifetime member of California Women Lawyers.

Ms. Murphy serves on the Board of Directors of Consumer Attorneys of California (CAOC) and has been Co-Chair of the Donald L. Galine Tahoe Seminar since 2010. She also Co-Chaired CAOC's Class Action Seminar for several years. Ms. Murphy was elected to the CAOC Board of Governors in 2009 and again in 2010. In 2010, Ms. Murphy was appointed to serve on the Board of Directors of CAOC, she was then elected to the Board of Directors in 2011 and every year following. Ms. Murphy is the former Chair of the CAOC Women's Caucus.

In 2010, Ms. Murphy was appointed as a Commissioner on the California Commission on Access to Justice. The Commission plays a vital role in bringing together the three branches of government, judges, lawyers and civic and business leaders to find long-term solutions to the chronic lack of legal assistance available to low-income and vulnerable Californians. Ms. Murphy continues to serve on the Commission.

Ms. Murphy previously served on the Board of Directors of the State Bar of California, California Young Lawyers Association (CYLA) (2009 -2011); as well as the Board of Directors of the San Mateo County Barristers (2008-2009).

Ms. Murphy has provided frequent commentary on consumer rights issues, including binding mandatory consumer arbitration, and has appeared on local as well as national news broadcasts including ABC 7 On Your Side (Cable 7), View From The Bay, and Good Morning America (ABC). Ms. Murphy's articles include: "Same Road, Different Stops" (Elder Abuse Litigation), The Docket, San Mateo County Bar Association, Volume 49, No. 1, Jan/Feb 2013. Ms. Murphy's speaking engagements include: Panelist: "Elder Abuse Litigation," San Mateo County Bar Association, 2011; "Elder Abuse Litigation," State Bar of California Annual Convention, 2010; "Handling Cases Involving Physical and Financial Elder Abuse," CYLA, State Bar of California Webinar, 2010; "Winning Cases in Securities Arbitration," State Bar of California Annual Convention, 2010; "Securities Arbitration," CYLA, State Bar of California Webinar 2010; "Winning Trials through Motions in limine," 2010; Moderator, "Preparing for Trial," Consumer Attorneys of California, 2011; Moderator, "CSI Effect" CAOC Tahoe 2012; Panelist, "Financial Elder Abuse Litigation: Assessing, Preparing and Presenting Claims", Legal Assistance for Seniors ("LAS") 2012 Annual Conference; "Credit Counseling Class Actions and the CROA", CAOC Beaver Creek Conference 2012; Elder Abuse Litigation: Getting To Verdict Or Settlement In Tough Economic Times And Checklists For Settlement," CAOC 51st Annual Convention 2012; "Ethical Issues in Lawyer Communications," San Mateo County Bar Association 2013; "Elder Abuse Litigation: Sharpening Skills in Physical and Financial Abuse Cases" LAS 2013 Annual Conference; "PAPANTONIO: THE CONSERVATIVE WAR ON CONSUMER

PROTECTIONS (VIDEO),” broadcast, Ring of Fire, August 4, 2013; “Is Major League Baseball the ONLY Business to Have an Antitrust Exemption?” Santa Clara University, September 27, 2013; “Ethical Issues Emerging From The Patient-Client Relationship” CAOC Annual Convention, San Francisco, November 16, 2013; Co-Chair/Moderator CAOC 2014 Class Action Seminar; Co-Chair/Moderator CAOC Political Training, May 5, 2014; “Cy Pres in Class Action Settlements: How to Do It Right and Benefit Legal Service”, Impact Fund Webinar, July 28, 2014; Moderator, “Dos and Don’ts in the Courtroom” CAOC 53rd Annual Convention, San Francisco November 14, 2014; “CCRC Litigation” California Advocates for Nursing Home Reform (CANHR) Annual Convention, Monterey, November 21, 2014; “Elder Law and Continuing Care Retirement Communities (CCRCs)” CAOC Hawaii Seminar, December 1, 2014; Co-Chair CAOC/SFTLA/BASF 2015 Class Action Seminar, February 10, 2015. “Continuing Care Retirement Communities: Current Developments,” California Advocates for Nursing Home Reform (CANHR) Annual Convention, November 2015; “Amendments to the Federal Rules of Civil Procedure,” CAOC 2015 Hawaii Seminar, November 30, 2015; CAOC Class Action and Mass Torts 2016 Seminar, San Francisco, Co-Chair and Moderator; “Why aren’t more female lawyers making it to trial?,” SFTLA, January 7, 2016; “Trial Skills: The Ins And Outs Of Handling Witnesses (Roundtable Discussion),” CAOC 2016 Sonoma Seminar, Moderator; Co-Chair of the CAOC 2016 Sonoma Seminar; “Continuing Care Retirement Communities: Continuing Care Contracts/Frequently Asked Questions” CANHR Webinar, April 20, 2016; Presentation to CANHR CCRC Panel, April 30, 2016; Litigating in Probate Versus Civil Court: Factors to Consider, Legal Assistance for Seniors Conference, May 17, 2016; Transparency in Supply Chains Litigation: Plaintiff, Defense and Human rights perspectives, July 28, 2016, Sponsored by the California State Bar Antitrust, UCL and Privacy Law Section; Elder Abuse a Growing Epidemic, CAOC Annual Convention, San Francisco, November 12, 2016; Continuing Care Retirement Communities (CCRC) Litigation, Plenary Session, CANHR Annual Conference, Monterey, November 19, 2016; “Litigating Human Rights Cases Under the UCL,” CAOC Hawaii Seminar, Maui, November 28, 2016; “Litigating Human Rights Class Actions,” CAOC/SFTLA Class Action Seminar, San Francisco, February 7, 2017; Preparing for the First Day of Trial, SFTLA Seminar, February 21, 2017; Elder Abuse Roundtable, SFTLA, May 9, 2017.

Ms. Murphy is involved in a number of community organizations in the Bay Area. Among other community activities, Ms. Murphy served on the Board of Directors of Seven Tepees Youth Program for a number of years, including as board Secretary. Seven Tepees is a non-profit serving promising urban youth in San Francisco, which provides comprehensive services to youth from 5th to 12th grade, including mentoring, academic support and college and career counseling. Ms. Murphy now serves on the Advisory Board.

In 2015 Ms. Murphy joined the Board of Directors of California Advocates for Nursing Home Reform (“CANHR”). CANHR is one of the largest and most respected non-profits in the country devoted to the protection of senior citizens. For the past 30 years, CANHR has educated and supported consumers and advocates regarding the rights of California seniors, through direct advocacy, community education, legislation and litigation.

In 2008, Ms. Murphy was selected as a finalist for the 2008 Consumer Attorney of the Year Award by CAOC. In 2009, 2010, 2011 and 2012 Ms. Murphy was selected as a Northern California “Rising Star” by Northern California Super Lawyers and San Francisco Magazine. In 2013 and

every year since Ms. Murphy has been selected as a Northern California “Super Lawyers” by Northern California Super Lawyers and San Francisco Magazine. In 2016 she was named to Super Lawyers’ Top 100 Northern California Attorneys.

In May 2015, the Daily Journal named Ms. Murphy in its Top Women Lawyers edition as one of the “100 leading women lawyers in California.” Also in 2015 Ms. Murphy was named as one of the 25 top Plaintiff attorneys by the Daily Journal in its inaugural list of 25 top Plaintiff attorneys.

### **ADAM J. ZAPALA**

Adam J. Zapala is a partner at Cotchett, Pitre & McCarthy, LLP, where he focuses on antitrust, false claims act litigation, consumer protection and class actions generally.

Mr. Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law. While at Hastings, Mr. Zapala received awards for best moot court brief, the Pro Bono Publico award, most outstanding student in Group Advocacy and Systemic Reform, and Excellence for the Future Award in Pre-trial Practice.

Previously, Mr. Zapala worked at Davis, Cowell & Bowe, LLP. in San Francisco, where he represented labor unions, Taft-Hartley Pension and Health & Welfare funds, employees and consumers in complex litigation, arbitration and NLRB proceedings. While at DCB, Mr. Zapala served as trial counsel in countless arbitrations on behalf of labor unions and employee benefit funds. He has argued cases before the California First, Third, and Sixth District Court of Appeal.

Mr. Zapala also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. While there, Mr. Zapala developed expertise in Medi-Cal, Medicare and other publicly-financed healthcare systems. While in law school, Mr. Zapala also worked for the public interest law firms of Public Advocates, Inc. and Public Justice, focusing on civil rights class action litigation.

Mr. Zapala also has legislative and policy experience, working on Capitol Hill as a policy aide for Senator Ron Wyden (D-Oregon) in Washington D.C.

Mr. Zapala has deep ties to the Bay Area. He grew up in San Jose, California and attended Bellarmine College Preparatory. While at Stanford University, Mr. Zapala became a four-time Academic All-American, a four-time All-American, and Captain of the Stanford Men’s Soccer Team. In 2001, he was drafted in the Major League Soccer (“MLS”) Super Draft by the Dallas Burn (now FC Dallas).

### **GARY A. PRAGLIN**

Gary A. Praglin is a partner at Cotchett, Pitre & McCarthy, LLP, where he handles complex personal injury cases, including mass tort actions involving environmental contamination of air, water and soil. These cases often involve thousands of injured victims at a time, like Gary’s PG&E case, which became the subject of the hit movie *Erin Brockovich*.

Over his career, Gary has helped recover for his clients nearly *one billion dollars* in jury verdicts and settlements.

Gary has also served in leadership on Steering Committees, past and present. Notable Plaintiffs' Steering Committees have been the Yamaha Rhino Litigation and the SoCalGas Aliso Canyon Litigation, which arises out of the largest release of methane into the environment in history.

Gary also handles *pro bono* litigation to improve the lives of others. Notable *pro bono* cases have been: an adoption; re-admission of a med student into med school, allowing him to become a doctor; and helping a young couple prevail against a slumlord on a mold issue. Gary is currently representing multiple parties against online puppy traffickers who have harmed defenseless animals and devastated innocent families.

Gary received his Bachelor of Arts from UCLA. He received his J.D. from Southwestern University School of Law.

Gary is a member of the Los Angeles County Bar Association, Consumer Attorneys of California, Consumer Attorneys of Los Angeles and American Board of Trial Advocates.

He is an active supporter and fund raiser for the following worldwide charities: Wildlife NOW--dedicated to preserving endangered species in Africa [www.wildlifeNOW.com](http://www.wildlifeNOW.com); and Israel Guide Dog Center for the Blind--dedicated to breeding, training and placing guide dogs around the world [www.israelguidedog.org](http://www.israelguidedog.org).

### **ALEXANDER BARNETT**

Alex Barnett is a Partner at Cotchett, Pitre & McCarthy where he specializes in class actions involving: antitrust and securities law violations; consumer fraud; negligent product design and manufacture; wage and overtime disputes; civil rights violations; and violation of environmental laws. He also handles mass tort litigation.

Representative class action cases include: Turner v. General Electric Company, No. 2:05-CV-186-FtM-33DNF (M.D. Fla.) (claims by purchasers of allegedly defective General Electric refrigerators); Staton v. IMI South, LLC, No. 03-CI-588 (Ky. Cir. Ct.) (claims by purchasers of defective concrete for repair of home foundations and flatwork); In re Bridgestone/Firestone Inc., ATX, ATX II and Wilderness Tires, MDL No. 1373 (S.D. Ind.) (claims by purchasers of allegedly defective tires), Gori v. Merck & Co., Inc., No.: 04L1254 (claims by purchasers of Vioxx for refund of purchase price); and Harman v. Lipari (claims for medical monitoring for residents of neighborhood bordering a Superfund site in New Jersey). Mr. Barnett also has represented individuals injured by pharmaceutical products such as Redux and Pondimin, Baycol, Serzone, and Vioxx. In addition, Mr. Barnett served as counsel for the cities of Boston, Los Angeles, Philadelphia and San Francisco against the handgun industry and as counsel for the City of Milwaukee in a case against the lead pigment industry.

Mr. Barnett has served as a lecturer on class actions, serving as a Panel speaker at the First Annual National Class Actions Symposium (Osgoode Hall Law School, Toronto, Canada) and the Third

Annual Class Actions for Non-Class-Action Lawyers - Growing Your Business by Understanding the Basics and Recognizing Opportunities.

Prior to entering private practice, Mr. Barnett served as the Executive Director of the International Association of Jewish Lawyers and Jurists (“IAJLJ”), American Section, an organization dedicated to promoting human rights and the rule of law.

Before his tenure at the IAJLJ, Mr. Barnett served as the Democratic Party nominee for the New York State Assembly in New York’s 17th Assembly District.

### **ELIZABETH CASTILLO**

Elizabeth Castillo is a Partner at Cotchett, Pitre & McCarthy, LLP. She focuses her practice on antitrust law and complex litigation.

Ms. Castillo received her B.A. in Economics and Political Science, with a concentration in Public Policy, from Boston University. At BU, she interned and studied abroad in London and Sydney during her third year.

Ms. Castillo received her J.D. from the University of California, Hastings College of the Law. At UC Hastings, she was a super regional semifinalist in the Jessup International Law Moot Court Competition. She also received honorable mentions for both best brief and best oral advocacy in Moot Court. Ms. Castillo served as a judicial extern for the Honorable A. James Robertson II in San Francisco Superior Court and as a teaching assistant for both Legal Writing & Research and Moot Court. She studied international business law at Bocconi University in Milan for a semester.

In law school, Ms. Castillo mentored underserved high school students on preparing for college. While awaiting bar results, she served as a graduate fellow at Bay Area Legal Aid, where she advocated for the rights of disadvantaged people to health and disability benefits.

Ms. Castillo has national and state legislative experience. She interned for U.S. Representative Neil Abercrombie (D-Hawaii; now Governor of Hawaii) in Washington, D.C. and State Representative Scott Nishimoto (D-Hawaii) in Honolulu.

Ms. Castillo grew up in Honolulu and graduated from ‘Iolani School, but she has been actively laying roots in the Bay Area. She enjoys the food scene in San Francisco, the hiking trails in Marin, and volunteering for the family law section of the Bar Association of San Francisco.

### **JULIE L. FIEBER**

Julie L. Fieber is a Partner at Cotchett, Pitre & McCarthy, LLP, practicing in a wide range of civil litigation areas including environmental claims, trade secrets, consumer fraud and employment. Before joining Cotchett, Pitre & McCarthy, Ms. Fieber practiced law in San Francisco, handling complex commercial disputes on topics that included securities, wage and hour claims, government contracts, and construction defects.

Ms. Fieber graduated summa cum laude from the University of San Francisco School of Law. At USF, Ms. Fieber served on Law Review, was a Dean's Scholar, and won Cali Awards for being the top student in torts, civil procedure, contracts, legal research and writing, criminal law, complex civil procedure, and wills and trusts. Ms. Fieber also was an extern law clerk to Associate Justice Ming W. Chin of the California Supreme Court (Fall 1998).

Prior to law school, Ms. Fieber earned a B.S. degree in Chemical Engineering from U.C. Santa Barbara, where she was a Regent's Scholar and a member of the women's crew team. After graduating from UCSB, Ms. Fieber spent several years working as a consulting engineer for a mix of government and industry clients. Her primary focus was evaluating the environmental impacts of new vehicle technologies and fuels. Highlights included managing the emissions modeling for the Auto-Oil Air Quality Improvement Research Program, an industry-lead effort to evaluate the regional environmental impacts of new vehicle fuels and technologies. Ms. Fieber also conducted community and stakeholder outreach related to a variety of clean air programs, and developed and conducted courses on emissions modeling and regulations. Ms. Fieber is also a Registered California Professional Engineer in Chemical Engineering.

### **DUFFY J. MIGILLIGAN**

Duffy J. Magilligan is a Partner at Cotchett, Pitre & McCarthy LLP practicing in a wide range of civil litigation areas including class actions, personal injury, wrongful death, and mass torts.

Prior to joining CPM, Mr. Magilligan was a deputy district attorney in Santa Clara County (2012–18) and Contra Costa County (2008–12). Mr. Magilligan sat first-chair in forty-seven jury trials for crimes including homicide, arson, bank robbery, domestic violence, and cocaine trafficking. Mr. Magilligan lectured at various police academies teaching recruits the laws of evidence and search and seizure.

Mr. Magilligan received his J.D. from the University of San Francisco. While at U.S.F., Mr. Magilligan was a member of the Law Review and he received the CALI award for being the top student in Torts. Mr. Magilligan sat on the faculty-student steering committee at the Leo T. McCarthy Center for Public Service and the Common Good. Mr. Magilligan also clerked for the Honorable Maura Corrigan of the Michigan Supreme Court.

Prior to law school, Mr. Magilligan received a Bachelor of Science degree in Economics from Loyola Marymount University in Los Angeles. Prior to law school, Mr. Magilligan was an associate at Huron Consulting Group in Chicago.

Mr. Magilligan is a member of the Consumer Attorneys of California and the San Mateo County Bar Association.

### **SARVENAZ (NAZY) FAHIMI**

Sarvenaz (Nazy) Fahimi is a Partner at Cotchett, Pitre & McCarthy, where she practices in several areas, including in representing whistleblowers in *qui tam* actions under the False Claims Acts.

Nazy began her career practicing in commercial litigation in her hometown of Minneapolis, Minnesota. She later moved to the Bay Area and continued working in litigation as well as in other areas of the law. She has worked on antitrust and trade regulation cases, aviation cases, breach of contract and commercial disputes, employment disputes, personal injury cases, insurance coverage and bad faith cases, as well as discrimination and civil rights cases. Most recently, prior to joining Cotchett, Pitre & McCarthy, she worked at a 501 (c)(3) non-profit, Pars Equality Center, which serves immigrant communities by providing legal and social services. There she focused on advocacy and community service, while also handling in house legal and compliance matters. In her role at PEC, over the span of nearly six years, Nazy also collaborated with various civic and community organizations as well as government entities, conducted and presented panels and seminars on relevant topics, published updates on complex legal matters, and advised individuals regarding various areas of the law, including in the area of U.S. trade embargoes and sanctions, through the Department of Treasury's Office of Foreign Assets Control.

Nazy graduated cum laude from Marquette University Law School. During law school she served as a Member and subsequently an Editor of the Marquette Law Review, earned CALI Awards as the highest scoring student in Constitutional Law and Conflicts of Law, and became a member of Alpha Sigma Nu, the National Jesuit Honor Society. Nazy also attended Marquette University as an undergraduate where she received her BA.

#### **KELLY W. WEIL**

Kelly W. Weil is a Partner at Cotchett, Pitre & McCarthy LLP's Santa Monica office where she litigates exclusively on behalf of consumers and injured individuals. Throughout her career, Kelly has helped litigate and successfully resolve a wide range of cases through settlement and trial. Kelly's background includes complex pharmaceutical and medical device litigation, environmental and toxic tort litigation, medical malpractice, catastrophic injury, and wrongful death actions.

A Santa Monica native, Kelly received her Bachelor of Science from the University of California, Los Angeles where she majored in Political Theory and interned for the office of Los Angeles Mayor Antonio Villaraigosa. She received her J.D. from Loyola Law School, Los Angeles where she served as a judicial extern to the Hon. Philip S. Gutierrez, United States District Court for the Central District of California, and as a clinical extern with the Loyola Project for the Innocent (a student clinic which has successfully aided in exonerating wrongfully convicted individuals). Kelly worked full time throughout law school as a law clerk for a prestigious Los Angeles civil litigation firm advocating on behalf of plaintiffs, where she continued her work as a practicing attorney for another six years.

Since 2015, Kelly has been involved with the Los Angeles Center for Law and Justice where she serves as a volunteer attorney and sits on the Leadership Council. As a volunteer attorney, Kelly has been successful in obtaining numerous Domestic Violence Restraining Orders on behalf of victims of domestic abuse (both physical and financial).

Kelly is a member of the Consumer Attorneys of Los Angeles, Consumer Attorneys of California, Los Angeles County Bar Association, American Bar Association, and American Association for Justice.

### **TAMARAH PREVOST**

Tamarah Prevost is Partner at Cotchett, Pitre & McCarthy, LLP, practicing in a wide range of civil litigation areas including employment law, securities litigation, consumer protection, false claims act litigation, and other complex civil matters.

Ms. Prevost received her J.D. from Santa Clara University School of Law. While at Santa Clara, Ms. Prevost was named the Best Oral Advocate in the Semi Final Round of Santa Clara Law's Honors Moot Court Competition, and her article was published in the Santa Clara Journal of International Law. She received the CALI Award for her "Leadership for Lawyers" class and maintained a heavy involvement in the Women and Law Association, which included her planning a fundraiser to benefit victims of domestic violence.

During law school, Ms. Prevost was a legal extern for the Honorable Justice Nathan Mihara of the Sixth District Court of Appeal and a Research Assistant to Lisa Kloppenberg, Dean of Santa Clara University School of Law.

Ms. Prevost is active in her community, and currently serves on the Board of Directors for the Digital Moose Lounge, a non-profit organization that serves as the first point of contact for Canadians new to the Bay Area. Prior to law school, Ms. Prevost lived in Vancouver, British Columbia and obtained her Bachelor of Arts degree with First Class Honors from Simon Fraser University and was actively involved in the Rotary Club of New Westminster. She also lived in Puerto Viejo, Costa Rica and volunteered at a non-profit organization committed to alleviating poverty for the indigenous population.

### **JOHN P. THYKEN**

John P. Thyken is a Partner at Cotchett, Pitre & McCarthy, LLP. His practice includes a wide range of areas, including class actions, consumer fraud, personal injury, and wrongful death.

Prior to joining the firm, he worked for Clapp Moroney Vucinich Beeman & Scheley, in their general liability group. While there, he worked on personal injury and First Amendment issues.

Mr. Thyken received his J.D. from Santa Clara University School of the Law where he was a member of the Dean's List and an Emery Merit Scholar. While at Santa Clara, he received the Witkin Award for Academic Excellence in Business Organizations and Cali Award for being the top student in Remedies. During law school, Mr. Thyken also advised indigent clients in areas of consumer protection and workers' rights at the Katharine and George Alexander Community Law Center.

Mr. Thyken received his Bachelor of Science in Political Science from Santa Clara University, where he graduated with honors. He competed as a member of the Division I Cross Country and

Track teams, earning All-Conference honors. After obtaining his undergraduate degree and before attending law school, he spent two years in Yokohama, Japan teaching English and traveling throughout East Asia.

### **NABILAH HOSSAIN**

Nabilah Hossain is a Partner at Cotchett, Pitre & McCarthy. Her practice includes governance and regulatory enforcement, drawing on her vast prior trial experience.

Prior to law school, Ms. Hossain was a specialist in global markets and compliance investment banking compliance at Merrill Lynch, Pierce Fenner & Smith in New York, representing clients in SEC and FINRA enforcement actions and serving as the lead compliance officer for NYSE inquiries. She later served in the Civil Division of the U.S. Attorneys' Office, working on matters ranging from wrongful death litigation to federal asset forfeiture claims. She also interned for U.S. Magistrate Judge Robert M. Levy in the Eastern District of New York.

After graduating from law school, Ms. Hossain worked as an Assistant District Attorney for the New York County District Attorney's Office, prosecuting more than 2,000 cases involving murder, conspiracy, rape, perjury, assault, identity theft, and domestic violence, including over 150 cases presented to grand juries and 19 cases tried to verdict. Ms. Hossain was promoted by the Chief of the Trial Division to assist senior ADAs investigate and prosecute homicides, and led long term investigations of criminal conspiracies, including interstate warrants for homes, cell phones, social media accounts and iCloud accounts.

Before joining CPM, Ms. Hossain also worked as an Assistant District Attorney, General Felonies Unit, for the San Francisco District Attorney's Office, and managed more than 100 felony cases, charging crimes including murder, assault, burglary and weapons possession from arraignment through motion practice through trial.

### **TYSON C. REDENBARGER**

Tyson Redenbarger is a Senior Associate at Cotchett, Pitre & McCarthy LLP practicing in a wide range of civil litigation areas including class actions and complex civil litigation. Prior to joining Cotchett, Pitre & McCarthy LLP Tyson Redenbarger worked for a tenant rights law firm in San Francisco, representing tenants who were wrongfully evicted and tenants living in uninhabitable conditions.

Mr. Redenbarger received his Juris Doctor degree from Santa Clara University School of Law. While in law school, he participated in the Honors Moot Court program, served as an editor of the International Law Journal, and volunteered at the Katharine and George Alexander Community Law Center, where Mr. Redenbarger assisted low income clients with consumer and debt collection disputes.

## ***SENIOR ASSOCIATES***

### **ANDREW KIRTLEY**

Andrew Kirtley is a senior associate at Cotchett, Pitre & McCarthy LLP, specializing in complex civil litigation. Before joining the firm, Andrew was a litigator in the District of Columbia, where he worked at a tenants' rights law firm, the D.C. Bar Pro Bono Center, and a boutique law firm specializing in federal environmental and civil rights litigation.

Andrew earned his J.D. from Northeastern University School of Law and a Master of Environmental Law and Policy from Vermont Law School. During law school, Andrew completed externships with U.S. Magistrate Judge Ronald Ellis in the Southern District of New York (New York, NY), the Navajo Nation Department of Justice (Window Rock, AZ), the U.S. Department of Justice (Washington, DC), and the Human Rights Law Network (New Delhi, India). He also led a successful campaign to improve recycling at the law school, served on faculty-student committees, was a constitutional law teaching assistant, and served as a research assistant on a brief filed in a Guantánamo Bay detainee case. Before law school, Andrew worked as a bicycle messenger and in various other service industry jobs, and lived in Boston, Chicago, Kentucky, and France.

### **JAMES G.B. DALLAL**

James G.B. Dallal joined Cotchett, Pitre & McCarthy, LLP in 2020 as a Senior Associate on the Antitrust & Global Competition Team, and handles a broad range of antitrust and other complex matters. As an attorney, his primary focus has been serving as lead class counsel on behalf of plaintiffs challenging nationwide and international cartels in major antitrust class action lawsuits.

Prior to joining the firm, James was an associate attorney at a boutique antitrust litigation firm in San Francisco and before that worked for a boutique plaintiffs' firm in Los Angeles that assisted borrowers in their suits against the financial industry. Before law school, he served as an Intellectual Property Litigation paralegal at the Houston office of a major international firm.

James earned a B.A. in History from Rice University, a J.D. *cum laude* from the University of California, Hastings College of the Law, and an LL.M. in European Law *avec mention bien* from Université Panthéon-Assas (Paris 2). He enjoys international travel and languages and has certified proficiency in French and Brazilian Portuguese.

### **CARLOS URZUA**

Carlos Urzua is a senior associate at Cotchett, Pitre & McCarthy, LLP's Santa Monica office. His areas of practice include products liability, mass torts, professional negligence, wrongful death, and environmental tort, all on behalf of plaintiffs. Growing up in the inner-city of Los Angeles, Carlos's practice is motivated by his desire to serve the community and protect consumers against injustice.

Carlos received his J.D. from Western State College of Law in Orange County. He worked full time throughout law school as a law clerk for a prestigious Los Angeles civil litigation firm advocating on behalf of plaintiffs, where he continued his work as a practicing attorney for another five years. During this time, he gained extensive experience in civil litigation in both state and federal court, and worked on several trials. He is truly committed to his clients, thriving on the fast-paced competitive world of litigation when it comes to pursuing the best outcomes for his clients. Carlos has obtained several multi-figure settlements and verdicts throughout the course of his career.

Carlos also remains involved in several organizations in Southern California that assist the community. He serves as a volunteer attorney for Kids in Need of Defense (KIND); Carlos ensures protection to unaccompanied immigrant and refugee children in their deportation proceedings so that no child stands in court alone. Carlos is also a volunteer attorney for the Los Angeles Center for Law and Justice, advocating for survivors of domestic violence and sexual assault by providing legal assistance and representation in restraining orders, custody and divorce cases.

### **BETHANY HILL**

Bethany Hill practices in a wide range of civil litigation areas, including *qui tam* whistleblower actions, complex commercial litigation, employment disputes involving discrimination and harassment, and elder abuse.

Bethany received her J.D. from Yale Law School, where she served as a board member of the American Constitution Society and Law Students for Reproductive Justice, and she served as the lead organizer of the Yale and New Haven Discussion Series, which focused on the resource disparities and collaborative opportunities between Yale and New Haven. Bethany also tutored math and English in maximum security prisons, advocated for people facing eviction in the Housing Clinic, and worked to develop local business in the Community & Economic Development Clinic.

Before joining the firm, Bethany was a litigator at a boutique law firm specializing in employment and women's rights. She also worked at a large law firm in Silicon Valley, representing clients in commercial transactions. She has provided *pro bono* services to Bay Area Legal Aid, organizations supporting animal welfare, and various other nonprofit organizations.

Bethany graduated *summa cum laude* with her B.A. in Political Science from University of California, Los Angeles (UCLA), where she received UCLA's Undergraduate Research Scholarship Program Award and the Ahmanson Foundation Research Award. Bethany also founded and served as President of Polis, a political theory club that grew to hundreds of members across disciplines.

### **JULIA Q. PENG**

Julia Peng is a senior associate at Cotchett, Pitre & McCarthy, LLP. She has experience representing clients in state and federal litigation involving securities, shareholder litigation, nationwide class action, whistleblower, and complex commercial litigation.

Prior to joining CPM, Julia worked at a firm in San Francisco, representing clients in complex intellectual property litigation involving patent, trademark, and trade secret matters. She also represented clients *pro bono* to obtain asylum and special immigrant juvenile status.

Julia graduated from UCLA School of Law, and served as an editor for the *Journal of Environmental Law and Policy*. She received her B.S. in Biology and B.A. in Political Science from the University of California, San Diego.

## ***ASSOCIATES***

### **ELLE D. LEWIS**

Ell D. Lewis is a Senior Associate at Cotchett, Pitre & McCarthy, LLP, her focus has been on civil litigation in a wide range of areas, including catastrophic injury, antitrust, construction defect, commercial liability defense, multi-party litigation, and securities actions. She has vast experience in discovery and has been instrumental in obtaining three unanimous jury trial verdicts and multiple settlements.

Ms. Lewis received her Juris Doctor degree from the University of San Francisco, School of Law. While in law school, she served as a law clerk for the Honorable Maria-Elena James of the United States District Court in the Northern District of California. Ms. Lewis was an intern in the Elder Abuse Unit of the Office of the San Francisco District Attorney.

She prides herself on being an extreme Bay Area Sports Fan.

### **NEDA L. LOTFI**

Neda L. Lotfi is an Associate at Cotchett, Pitre & McCarthy, LLP, practicing in a wide range of civil litigation areas including class actions, complex commercial litigation, consumer fraud, personal injury, and financial and environmental law.

Ms. Lotfi received her J.D. from the Western Michigan University, Thomas M. Cooley Law School. While at Cooley, Ms. Lotfi won the American Jurisprudence award for being the top student in Evidence and Advanced Legal Writing. Ms. Lotfi also interned at the Washtenaw County Public Defender's Office during her third year of law school.

Prior to law school, Ms. Lotfi received her Bachelor of Science Degree from Michigan State University. While at Michigan State, Ms. Lotfi was a Writing Center consultant, where she provided assistance to students and faculty in improving the quality and range of literacy.

Ms. Lotfi is a member of the Los Angeles and Beverly Hills Bar Associations, along with the Consumer Attorneys of California, the Consumer Attorneys of Los Angeles, and the American Bar Association.

Ms. Lotfi speaks fluent Persian, and enjoys playing tennis and spending time with her husband and two dogs.

### **KALI V. FOURNIER**

Kali V. Fournier is an associate at Cotchett, Pitre & McCarthy, LLP. Her areas of practice include catastrophic injury, wrongful death, products liability, elder abuse, government entity liability, premises liability, and environmental law.

Kali earned a Division I scholarship to play soccer at the University of Oklahoma. There she received her Bachelor of Science in Criminal Justice and during her summers clerked at the Los Angeles District Attorney's office.

Kali received her J.D. from Marquette University Law School. While attending Marquette, Kali participated in the Prosecutor Clinic. She also received the CALI award for the highest grade in Deposition Workshop, Electronic Discovery, and Child Abuse & Neglect.

Kali clerked throughout law school for a prestigious Los Angeles civil litigation firm advocating on behalf of plaintiffs. She continued her work there as a practicing attorney for another two years before joining CPM. During this time, she gained extensive experience in civil litigation in both state and federal court and worked on several trials. Kali has obtained several multi-figure settlements and verdicts throughout the course of her career.

### **REID W. GAA**

Reid W. Gaa is an associate at Cotchett, Pitre & McCarthy, LLP, where he focuses on complex litigation, including antitrust, consumer protection, and class actions.

Reid has represented plaintiffs in a variety of different matters including: *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, MDL No. 2724 (E.D. Penn.); *In re Automotive Parts Antitrust Litigation*, Master File No. 12-md-02311 (E.D. Mich.); *Chaudhri et al. v. Zynga, Inc.*, Case No. 4:20-cv-01539-YGR (N.D. Cal.); and *In re Capacitors Antitrust Litigation*, No. 3:14-cv-03264-JD (N.D. Cal.).

Reid received his J.D. *cum laude* from the University of California, Hastings College of the Law. While attending Hastings, Reid competed at the National Moot Court Competition, Chicago Bar Association Moot Court Competition, and Frank A. Schreck Gaming Law Moot Court Competition, advancing to the National Moot Court Competition's final round in New York and receiving an award as co-author of the best brief at the Chicago Bar Association Competition. He also served as a member of the UC Hastings Moot Court Student Board and as a teaching assistant for the Legal Writing and Research Department.

Prior to law school, Reid graduated *cum laude* from Santa Clara University, where he received his B.S. in Political Science and participated in the Political Science Honors Program.